

**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY**



**COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, JULY 17, 2018 – 6:00 PM**

RON MORRISON
Mayor

ALBERT MENDIVIL
Vice Mayor

JERRY CANO
Councilmember

MONA RIOS
Councilmember

ALEJANDRA SOTELO-SOLIS
Councilmember

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Sessions begin at 5:00 p.m. or such other time as noted. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website www.nationalcityca.gov.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

**1243 National City Blvd.
National City
619-336-4240**

**Meeting agendas and
minutes available on web**

WWW.NATIONALCITYCA.GOV

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of

the agenda and separately considered upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.

Spanish to English interpretation services are available to members of the public who wish to speak to the City Council during the meeting. "Request to Speak" forms requesting interpretation must be filed within the first two hours of the meeting.

Español a los servicios de interpretación Inglés de audio está disponibles para los miembros del público que desean hablar con el Ayuntamiento durante del Consejo Municipal. "Solicitud para hablar de" formas solicitud de interpretación deben ser presentadas dentro de las dos primeras horas del Consejo Municipal.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS

AWARDS AND RECOGNITIONS

1. [Employee of the Quarter 2018 - Police Officer Kyle Fitchhorn. \(Police\)](#)
2. [House Fire Save Recognition for Captain Derek Jones and Firefighter Nicholas Black. \(Fire\)](#)

PRESENTATIONS

3. [Farewell to the 2017-2018 Miss National City Court and Introduction of the 2018-2019 Miss National City Court. \(Community Services\)](#)

INTERVIEWS / APPOINTMENTS

CONSENT CALENDAR

4. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
5. [Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two \(2\) subsequent fiscal years. \(Finance\)](#)
6. [Resolution of the City Council of the City of National City authorizing the Mayor to execute a First Amendment to Extend the Agreement with Countywide Mechanical Systems, Inc., for an additional one \(1\) year, to provide Heating, Ventilating and Air Conditioning \(HVAC\) maintenance](#)

and repair services at city facilities, with a contract amount not to exceed \$170,412. (Engineering/Public Works)

7. Resolution of the City Council of the City of National City, 1) authorizing the Mayor to execute Program Supplement Agreement (PSA) No. 0R16 Rev. 000 with the State of California Department of Transportation (Caltrans) for the Citywide Traffic Safety Study to allow for reimbursement of up to \$90,000 in eligible project expenditures through the Systematic Safety Analysis Report Program (SSARP); and 2) authorizing the establishment of an Engineering Grants Fund appropriation of \$10,000 and corresponding revenue budget. (Engineering/Public Works)
8. Resolution of the City Council of the City of National City authorizing the acceptance of Federal Active Transportation Grant funds of \$300,000 and the establishment of Safe Routes to School fund appropriation of \$300,000 and corresponding revenue budget for the Citywide Safe Routes to School (SRTS) Ped Enhancements Project with no matching funds required. (Engineering/Public Works)
9. Resolution of the City Council of the City of National City authorizing an increase of \$70,000 to the Gas Taxes Fund appropriation (109-416-221-285-0000) and use of Gas Taxes Fund balance for payment of traffic signal light repair and maintenance. (Engineering/Public Works)
10. Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for emergency vehicle access in a portion of "A" Avenue to be vacated. (Engineering/Public Works)
11. Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for public access in a portion of "A" Avenue to be vacated. (Engineering/Public Works)
12. Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for General Utilities in a portion of "A" Avenue to be vacated. (Engineering/Public Works)
13. Resolution of the City Council of the City of National City approving a Relocation Plan for the relocation of the two residential tenants and one business tenant located at 302 W. 19th Street at a cost not-to-exceed \$200,000 and authorizing the establishment of an appropriation of \$200,000 based on the available fund balance of the Sewer Service Fund. (Housing and Economic Development)
14. Resolution of the City Council of the City of National City amending City Council Policy No. 707, entitled Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards, related to

[winery tasting room standards. \(Applicant City-Initiated Land Use Amendment\) \(Case File 2018-09 A\) \(Planning\)](#)

15. [Resolution of the City Council of the City of National City reciting the fact of the Special Municipal Election held on Tuesday, June 5, 2018, declaring the result and such other matters as provided by law. \(City Clerk\)](#)
16. [Temporary Use Permit – 2nd Annual Bayside Brew and Spirits Festival sponsored by the National City Chamber of Commerce at Pepper Park on September 29, 2018 with a request for waiver of fees. \(Neighborhood Services\)](#)
17. [Investment transactions for the month ended May 31, 2018. \(Finance\)](#)
18. Warrant Register #49 for the period of 05/30/18 through 06/05/18 in the amount of \$4,131,984.66. (Finance)
19. Warrant Register #50 for the period of 06/06/18 through 06/12/18 in the amount of \$1,545,377.74. (Finance)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

20. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Amending Title 18 of the National City Municipal Code by Amending Sections 18.24.050 \(Mixed-Use Corridor and District zones\), 18.25.020 \(Industrial zones\), and 18.50.010 \(Glossary\) \(Applicant City-Initiated Land Use Amendment\) \(Case File 2018-09 A\) \(Planning\)](#)

NON CONSENT RESOLUTIONS

21. [Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for Fiscal Year 2019 from 0.79 cent per \\$100 of assessed valuation to 0.74 cent. \(Finance\)](#)

NEW BUSINESS

22. [Notice of Decision – Planning Commission approval of a Zone Variance to allow for a reduced rear-yard setback of a proposed single-family residence located at “D” Avenue. \(Applicant: Jeffrey Silva\) \(Case File 2017-17 Z\) \(Planning\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

23. [Certificate of Sufficiency of Petition – Rent Control. \(City Clerk\)](#)

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Adjourned Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - July 24, 2018 - 6:00 p.m. - Council Chambers - National City, California.

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - September 4, 2018 - 6:00 p.m. - Council Chambers - National City, California.

City Council Legislative Recess:

August 7, 2018 - City Council Meeting - Dispensed With
August 21, 2018 - City Council Meeting - Dispensed With

The following page(s) contain the backup material for Agenda Item: Employee of the Quarter 2018 - Police Officer Kyle Fitchhorn. (Police)



CITY OF NATIONAL CITY
M E M O R A N D U M

DATE: May 30, 2018
TO: Leslie Deese, City Manager
FROM: Irene Mosley, Interim Human Resources Director *mw*
SUBJECT: EMPLOYEE OF THE QUARTER PROGRAM

The Employee Recognition Program communicates the City's appreciation for outstanding performance. In doing so, it recognizes employees who maintain high standards of personal conduct and make significant contributions to the workplace and community.

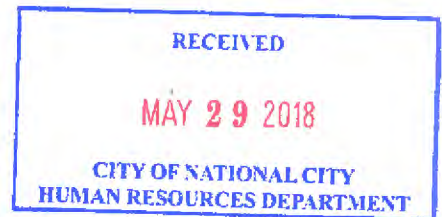
The employee to be recognized for the 2nd Quarter of calendar year 2018 is:

Police Officer Kyle Fitchhorn

By copy of this memo, the employee is invited to attend the Council meeting on Tuesday, June 19th to be recognized for his achievement and service.

Attachment

cc: Officer Kyle Fitchhorn
Chief Rodriguez
Sergeant Matt Smith
Josie Flores-Clark – Executive Assistant
Human Resources – Office File



Performance Recognition Award
Nomination Form

I nominate KYLE FITCHHORN

for the Performance Recognition Award for the following reasons:

Please state reason why your nominee should receive an award, (i.e., examples of service beyond requirements of position, exemplary service to the public, outstanding job performance, etc). Do not to exceed 150 total words. Please be as specific as possible when giving your examples.

Officer Fitchhorn initiated a project to combat illegal street racers that are damaging the parking lot to Planet Fitness at 500 Mile of Cars Way on Sunday nights. The racers are drag racing in the lot along with other illegal activity. The property owner met with Officer Fitchhorn to complain about the damage and trash left behind. Officer Fitchhorn initiated a project to deal with the problem. Officer Fitchhorn met with allied agencies and planned operations targeting the racers. Officers from National City PD, CHP, and San Diego PD have conducted directed enforcement in the area on three consecutive Sundays resulting in numerous citations, impounds, and arrests. As a result the crowd has dwindled, and the property manager met with a police employee at a recent council meeting and relayed his appreciation for Officer Fitchhorn's efforts, which will be continuing until the problem is eliminated.

FORWARD COMPLETED NOMINATION TO:

National City Performance Recognition Program
Human Resources Department

Nominated by: SERGEANT MATT SMITH

Signature: [Signature] Date: 05/21/18

Approved
[Signature]
5-22-18

The following page(s) contain the backup material for Agenda Item: House Fire Save Recognition for Captain Derek Jones and Firefighter Nicholas Black. (Fire)

Item # ____

07/17/18

**HOUSE FIRE SAVE RECOGNITION FOR CAPTAIN DEREK
JONES AND FIREFIGHTER NICHOLAS BLACK.**

(FIRE)

The following page(s) contain the backup material for Agenda Item: Farewell to the 2017-2018 Miss National City Court and Introduction of the 2018-2019 Miss National City Court. (Community Services)

Item # ____

7/17/18

**Farewell to the 2017-2018 Miss National City Court and Introduction
of the 2018-2019 Miss National City Court.
(Community Services)**

The following page(s) contain the backup material for Agenda Item: Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. (City Clerk)

Item # ____
07/17/18

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL
CITY APPROVING THE WAIVING OF THE READING OF THE
TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING
AND PROVIDING THAT SUCH ORDINANCES SHALL BE
INTRODUCED AND/OR ADOPTED AFTER A READING
OF THE TITLE ONLY.**

(City Clerk)

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the ag

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) subsequent fiscal years.

PREPARED BY: Javier Carcamo, Financial Services Officer

DEPARTMENT: Finance

PHONE: 619-336-4330

APPROVED BY: _____

EXPLANATION:

See attached staff report

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

See attached staff report.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the resolution, authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) subsequent fiscal years.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Staff Report
2. Agreement
3. Resolution



City Council Staff Report

July 17, 2018

ITEM

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) subsequent fiscal years.

BACKGROUND

The City has received independent auditing services from The Pun Group, LLP, formerly Pun & McGeady, LLP, for the past five years. In anticipation of the expiration of its agreement with the Pun Group, the City issued a request for proposals ("RfP") for independent auditing services on April 26, 2018.

REQUEST FOR PROPOSALS

The RfP solicited responses from qualified firms to audit the City's financial statements, as well as the financial statements of its component units for the fiscal years ending June 30, 2018, 2019, and 2020. The specifications required that the audit be performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the provision of the Single Audit Act of 1996 and Uniform Guidance, and all applicable Governmental Accounting Standard Board statements.

REQUEST FOR PROPOSALS PROCESS

As noted above, the City issued the RfP for professional audit services on April 26, 2018. The City posted the RfP on its website and the California Society of Municipal Finance Officers (CSMFO) website. Responses to the RfP were due by 4:00 pm on May 14, 2018.

The City received seven (7) proposals in response to the RfP. The firms submitting proposals, listed in alphabetical order, are:

Crowe Horwath;
Gruber & Associates;
Harshwal & Company, LLP;
Lance Soll & Lunghard, LLP;

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) subsequent fiscal years.

July 17, 2018

Pun Group, LLP;
Van Lant & Fankhanel, LLP;
White Nelson Diehl Evans, LLP.

The evaluation committee, a team of three City staff members, reviewed the proposals in accordance with the evaluation criteria set forth in the RfP. The evaluation committee included the following members:

Javier Carcamo, Financial Services Officer;
Carlos Aguirre, Acting Director of Housing & Economic Development;
Arnold Ocana, Senior Accountant.

The evaluation committee evaluated and ranked the proposals of all firms, based upon the following factors:

- quality and responsiveness of the proposal;
- relevant experience with similar engagements;
- demonstrated knowledge of the work/services required;
- staff qualifications and experience;
- proposed audit approach; and
- cost of services.

The evaluation committee members individually reviewed and evaluated each firm's proposal based on the evaluation criteria set forth in the RfP. The firms submitting proposals, which demonstrated the most significant relevant experience with similar engagements and knowledge of the scope of work, were invited to provide an oral presentation to the committee followed by an interview. The firms selected for presentations and interviews, listed in alphabetical order, are:

Lance Soll & Lunghard, LLP;
Pun Group, LLP;
White Nelson Diehl Evans, LLP.

After reviewing and considering each proposal and the information received during oral presentations and interviews, the evaluation committee selected The Pun Group, LLP as the highest-ranking firm to provide independent auditing services to the City.

THE PUN GROUP, LLP (section from proposal)

The Pun Group, LLP, Certified Public Accountants and Business Advisors, founded in 2012, is a limited liability partnership. We are a full-service accounting firm that is comprised of forty (40) professionals providing auditing, accounting, and advisory services to our clients.

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) subsequent fiscal years.

July 17, 2018

Our Partners' Group—which includes Kenneth H. Pun, Vanessa I. Burke, John F. Georger, Jr., Gary M. Caporicci, Lisa B. Lombard, Frances J. Kuo, and Heidi K. Chow—provide auditing, accounting, and advisory services to numerous governmental entities throughout the United States. With more than two hundred (200) years of combined experience in the industry, we have become a trusted business partner, and are well respected as leaders in the industry in one of the fastest growing firms. With nearly 100 government agency audit clients and Partners who have a real passion for the industry, we believe we are unmatched in terms of expertise.

RECOMMENDATION

Staff recommends the City Council approve the resolution, authorizing the Mayor to execute an agreement with The Pun Group, LLP for independent auditing services for the fiscal years ending June 30, 2018 to June 30, 2020 with the option to extend the agreement for each of the two (2) additional one-year options.

FISCAL IMPACT

An appropriation for professional audit services is incorporated in the fiscal year 2019 proposed budget. This is a multi-year agreement with funds to be included in future years' budgets.

The not-to-exceed amounts for each fiscal year of the agreement are as follows:

Agreement Year¹	Budget Fiscal Year	General Fund	HCVP Fund	Morgan & Kimball Enterprise Funds	Not to Exceed Fee
1	2019	43,500	3,500	14,000	61,000
2	2020	44,370	3,570	14,280	62,220
3	2021	45,257	3,641	14,566	63,464
4 ¹	2022	46,164	3,714	14,856	64,734
5 ¹	2023	47,085	3,789	15,154	66,028

¹ The City has the option to extend the agreement under the same terms and conditions for year 4 and year 5.

ATTACHMENTS

Attachment 1 – The Pun Group, LLP Agreement

Attachment 2 – Resolution

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute a First Amendment to Extend the Agreement with Countywide Mechanical Systems, Inc., for an additional one (1) year, to provide Heating, Ventilating and Air Condit

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute a First Amendment to Extend the Agreement with Countywide Mechanical Systems, Inc., for an additional one (1) year, to provide Heating, Ventilating and Air Conditioning (HVAC) maintenance and repair services at city facilities, with a contract amount not to exceed \$170,412.

PREPARED BY: Ray Roberson

PHONE: 619-336-4583

DEPARTMENT: Engineering and Public Works

APPROVED BY: 

EXPLANATION:

On August 15, 2017, City Council adopted Resolution No. 2017-163 entering into a Service Agreement with Countywide Mechanical Systems, Inc. to provide Heating, Ventilating, and Air Conditioning (HVAC) annual maintenance and repair services. The Agreement makes provision to extend the Agreement, if desired by both parties, for an additional one (1) year term. The parties may exercise up to two (2) one-year extensions.

Based on the quality of work and response time provided by Countywide Mechanical Systems, Inc. during its first year under the Agreement, both parties desire to extend the contract for one (1) additional year. This is the first extension. The dates of the extension will be September 1, 2018 through August 31, 2019, with a contract amount not to exceed \$170,412.

The extension requires City Council approval.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: 

APPROVED:

FINANCE

MIS

Cost appropriated through 626-416-223-288-0000 Facilities Maintenance Fund - \$170,412

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION ☐ FINAL ADOPTION ☐

STAFF RECOMMENDATION:

Adopt the resolution authorizing the Mayor to execute a First Amendment to Extend the Agreement with Countywide Mechanical Systems, Inc., for one (1) year, to provide Heating, Ventilating and Air Conditioning (HVAC) maintenance and repair services at city facilities.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. First Amendment to Extend the Agreement
2. Resolution

**FIRST AMENDMENT TO EXTEND THE AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
COUNTYWIDE MECHANICAL SYSTEMS, INC.**

THIS FIRST AMENDMENT TO EXTEND THE AGREEMENT is entered into this 31st day of July, 2018, by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and COUNTYWIDE MECHANICAL SYSTEMS, INC., a California corporation (the "CONTRACTOR").

RECITALS

WHEREAS, the CITY and the CONTRACTOR entered into an Agreement on September 1, 2017 ("the Agreement"), wherein the CONTRACTOR agreed to provide City-wide, on-site HVAC annual maintenance and repair services, for a not to exceed amount of \$170,412.

WHEREAS, the CITY and the CONTRACTOR desire to enter into this First Amendment to extend the Agreement upon the same terms and conditions for an additional one (1) year term.

WHEREAS, the City Council has authority to approve any extension of the Agreement.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

1. The Agreement entered into on September 1, 2017, shall be amended to extend the term of the Agreement for one (1) year, for the period September 1, 2018 through August 31, 2019, for a total not to exceed amount of \$170,412.
2. The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated September 1, 2017, shall remain in full force and effect.

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Extend the Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

APPROVED AS TO FORM:

By: Angil P. Morris-Jones
City Attorney

By: Roberto M. Contreras
Deputy City Attorney

**COUNTYWIDE MECHANICAL
SYSTEMS, INC., a California corporation**

By: _____
Paul B. Duke
President

By: _____
Randy Signore
Vice President,
Service and Special Operations

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City, 1) authorizing the Mayor to execute Program Supplement Agreement (PSA) No. 0R16 Rev. 000 with the State of California Department of Transportation (Caltrans) for the Citywide Traffic Safety Stud

CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT

COPY

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City, 1) authorizing the Mayor to execute Program Supplement Agreement (PSA) No. 0R16 Rev. 000 with the State of California Department of Transportation (Caltrans) for the Citywide Traffic Safety Study to allow for reimbursement of up to \$90,000 in eligible project expenditures through the Systematic Safety Analysis Report Program (SSARP); and 2) authorizing the establishment of an Engineering Grants Fund appropriation of \$10,000 and corresponding revenue budget.

PREPARED BY: Jose Amador, Assistant Engineer - Civil

DEPARTMENT: Engineering/Public Works

PHONE: 619-336-4362

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

SSARP Grant - \$90,000
Revenue Account No.
Expenditure Account No.
Citywide Traffic Safety Study
Project - SSARP Grant

APPROVED: _____ Finance

APPROVED: _____ MIS

Local Match - \$10,000
Expenditure Account No.

Local match appropriated through FY 2019 CIP budget

ENVIRONMENTAL REVIEW:

Categorical Exemption per Class 6 (Information Collection), Section 15306, 2016 California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION: ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt Resolution authorizing the Mayor to execute PSA No. R16 with Caltrans for the Citywide Traffic Safety Study to allow for reimbursement of up to \$90,000 in SSARP grant funds.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Program Supplement Agreement
3. Resolution

Explanation

On May 19, 2017 the California Department of Transportation (Caltrans) awarded a \$90,000 Systematic Safety Analysis Report Program (SSARP) grant for the Citywide Traffic Safety Study. Caltrans has allocated \$90,000 for program implementation. There is a local match requirement of \$10,000, that is available in the Traffic Safety Enhancements CIP expenditure account through FY 2019 CIP budget appropriations.

This program implementation shall examine three years of crash data. Findings from study will be grouped by the 4E's of Safety (engineering, enforcement, education, and emergency medical services) and will be used to develop a comprehensive planning document identifying safety projects that reduce or eliminate potential traffic safety hazards. The intent of this program is to assist local agencies in performing a collision analysis, identifying safety issues, and develop a list of systemic low-cost countermeasures that can be used to prepare future HSIP and other safety program applications.

City Council Resolution authorizing the Mayor to execute Program Supplement Agreement No. R16 to Administering Agency-State Master Agreement No. 0013S is required to allow for reimbursement of eligible project expenditures through the Federal SSARP grant.

PROGRAM SUPPLEMENT NO. R16
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00013S

Adv Project ID 1118000224 Date: May 22, 2018
Location: 11-SD-0-NATC
Project Number: SSARPL-5066(037)
E.A. Number:
Locode: 5066

This Program Supplement, effective 5/4/18, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00013S for State-Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 05/02/07 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the ADMINISTERING AGENCY on (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

Citywide

TYPE OF WORK: Citywide Safety Analysis

Estimated Cost	State Funds		Matching Funds	
	STATE		LOCAL	OTHER
\$100,000.00	\$90,000.00		\$10,000.00	\$0.00

CITY OF NATIONAL CITY

By Ron Morrison
Title Mayor
Date _____
Attest Michael Dalla, City Clerk

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer [Signature]

Date 5/23/18 \$90,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION
PROGRAM SUPPLEMENT AND CERTIFICATION FORM
P&CF (REV. 01/2010)

Page 1 of 1

TO: STATE CONTROLLER'S OFFICE

Claims Audits

3301 "C" Street, Rm 404

Sacramento, CA 95816

DATE PREPARED:

5/23/2018

PROJECT NUMBER:

1118000224

REQUISITION NUMBER / CONTRACT NUMBER:

RQS - 2860 - 111800000546

FROM:

Department of Transportation

SUBJECT:

Encumbrance Document

VENDOR / LOCAL AGENCY:

CITY OF NATIONAL CITY

\$80,000.00

PROCUREMENT TYPE

Local Assistance

[illegible]

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410 or TDD (916) 3860 or write Records and Forms Management, 1120 N. Street, MS-69, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 18304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3.
 1. This PROJECT is funded with State-Only funding from the Systemic Safety Analysis Report Program (SSARP). ADMINISTERING AGENCY agrees to administer PROJECT in accordance with the SSARP Guidelines under which the project was selected.
 2. The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).
 3. This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which the SSARP State funds are allocated. The effective State allocation date establishes the eligibility date for the ADMINISTERING AGENCY to start reimbursable work. Any work performed prior the effective allocation date is not eligible for reimbursement from the SSARP funds.
 4. ADMINISTERING AGENCY agrees that SSARP funds available for reimbursement will be limited to the amount allocated and encumbered by the STATE consistent with the scope of work in the STATE approved application. Funds encumbered may not be used for a modified scope of work after a project is awarded unless approved by the Statewide SSARP Coordinator prior to performing work.

SPECIAL COVENANTS OR REMARKS

5. ADMINISTERING AGENCY agrees to the program delivery and reporting requirements established by the SSARP Guidelines. The study and the Systemic Safety Analysis Report (SSAR) must be completed within thirty-six (36) months of the funding allocation. The Final Report of Expenditure, the final invoice and the SSAR report must be submitted to the DLAE within six (6) months of the report completion.
4. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the acceptance of Federal Active Transportation Grant funds of \$300,000 and the establishment of Safe Routes to School fund appropriation of \$300,000 and corresponding revenue budget

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the acceptance of Federal Active Transportation Grant funds of \$300,000 and the establishment of Safe Routes to School fund appropriation of \$300,000 and corresponding revenue budget for the Citywide Safe Routes to School (SRTS) Ped Enhancements Project with no matching funds required.

PREPARED BY: Jose Lopez, P.E., Assistant Engineer - Civil

DEPARTMENT: Engineering/Public Works

PHONE: 619-336-4312

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

ATP Grant - \$300,000
Revenue Account No. 323-00000-3498
Expenditure Account No. 323-409-500-598-6166
(Citywide Safe Routes to School Project)
There is no local match requirement.

APPROVED: 

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(3), approved April 29, 2016, and revalidated May 29, 2018.

ORDINANCE: ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt Resolution authorizing the acceptance of Federal Active Transportation Grant funds of \$300,000 and the establishment of Safe Routes to School fund appropriation of \$300,000 and corresponding revenue budget for the Citywide Safe Routes to School (SRTS) Ped Enhancements Project with no matching funds required.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Grant Award Letter
3. Resolution

Explanation

On September 27, 2014, the California Department of Transportation (Caltrans) awarded a \$350,000 Federal Active Transportation Program (ATP) grant for the National City SRTS Ped Enhancements Project (Project).

On October 6, 2015, City Council adopted Resolution No. 2015-148 authorizing 1) the Mayor to execute Program Supplement Agreement Number N010 with Caltrans to allow for reimbursement of up to \$50,000 in eligible project expenditures, and 2) the appropriation of \$50,000 for the project. The remaining \$300,000 would be eligible for reimbursement once the State authorized the City to proceed.

The State has allocated the remaining \$300,000 (\$225,000 for the Plans, Specifications, and Estimate (PS&E) phase, and \$75,000 for the Right-of-Way (R/W) phase) for the Project. On June 15, 2018, Caltrans issued an Authorization to Proceed to the City for the PS&E and R/W phase, establishing the date for eligible reimbursement. There is no local match requirement.

The potential improvements will be based on barriers identified during a series of comprehensive Walk Audits as part of the City's SMART Foundation Plan. Pedestrian barriers identified during the walk audit include: lifted sidewalks, utility poles within sidewalks/pedestrian curb ramps, substandard pedestrian curb ramps, and a lack of crosswalks, pedestrian ramps, signage and signals. The project will address these barriers by providing the following enhancements: high visibility crosswalks, ADA accessible ramps with truncated domes, pedestrian crosswalk signs and sidewalk enhancements at key locations.

Staff recommends establishing appropriation of revenues and expenditures for \$300,000 in Federal Active Transportation Grant funds for the Project.

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

RECEIVED
ENGINEERING DEPT.

2014 OCT -8 P 4:15

September 27, 2014

Mr. Kuna Muthusamy
PE, Assistant Director of PW & Engineering
City of National City
1243 National City Blvd
National City, CA 91950

Dear Mr. Muthusamy:

Congratulations! I am pleased to inform you that your project shown below has been awarded from Cycle 1 of the Active Transportation Program (ATP). Please be aware that your project may include ineligible items that will not be eligible for reimbursement.

Project Name	ATP Award Amount (\$1,000s)	14-15 Award \$ (\$1,000s)	15-16 Award \$ (\$1,000s)
National City SRTS Ped Enhancements	\$350	275	75

Requests for state-only funding must be submitted to the California Department of Transportation (Caltrans) ATP Program Manager no later than October 30, 2014, for consideration. Projects that have been awarded less than \$1M in ATP funds will have priority. The request form can be found in the Interim Active Transportation Program Guidelines, Chapter 22 of the Local Assistance Program Guidelines
<http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html>.

The ATP is a reimbursement program. Therefore, work cannot commence on your project until:

1. It is programmed in the current Federal Statewide Transportation Improvement Program (FSTIP),
2. Receives an allocation from the California Transportation Commission (CTC),
3. If federally funded, receives an authorization to proceed from the Federal Highways Administration.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Mr. Muthusamy
September 27, 2014
Page 2

The next step is to contact your District Local Assistance Engineer (DLAE) who can assist you in the programming, allocation, and authorization processes.

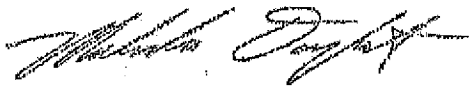
The ATP is intended to fund projects, such as yours, that will encourage increased use of active modes of transportation. Caltrans is very much aware of the nexus of transportation safety and health, and is committed to continue funding projects that will make a difference in California.

Please go to the Local Assistance ATP web page:
<http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html> at the end of September for upcoming ATP webinar dates.

If your project already has its environmental documentation; and it has not been submitted to the CTC, go to <http://www.ctc.ca.gov/programs/enviro.htm> for instructions on that process.

If you have any questions about your project or the ATP please contact Teresa McWilliam, ATP Program Manager at 916-653-0328 or Teresa.mcwilliam@dot.ca.gov.

Sincerely,



Malcolm Dougherty
Director

c: Laurel Janssen, Deputy Director, California Transportation Commission

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing an increase of \$70,000 to the Gas Taxes Fund appropriation (109-416-221-285-0000) and use of Gas Taxes Fund balance for payment of traffic signal light repair and maintenance. (Engine

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing an increase of \$70,000 to the Gas Taxes Fund appropriation (109-416-221-285-0000) and use of Gas Taxes Fund balance for payment of traffic signal light repair and maintenance.

PREPARED BY: Ray Roberson

PHONE: 619-336-4583

DEPARTMENT: Engineering and Public Works

APPROVED BY: 

EXPLANATION:

In Fiscal Year 2018, the City of National City experienced an unusually high number of traffic collisions resulting in damage to traffic signals and street light poles. The cost to repair the traffic signals and street light poles was \$111,538.11 and was paid through Public Works Repair and Maintenance Traffic Control Devices account (109-416-221-285-0000). The claims associated with each traffic accident was forwarded to Risk Management to recover the costs. However, when cost recovery is realized, the recovered funds are not deposited back into Public Works budget from where the costs were paid.

Consequently, the account used to pay for repairs is in deficit with approximately \$70,000 in outstanding invoices that need to be paid to our traffic signal vendor for the months of May and June, 2018. Additional funds are available in the Gas Taxes Fund balance to cover the outstanding invoices and authorization is requested to increase the appropriation.

FINANCIAL STATEMENT:

ACCOUNT NO.

109-416-221-285-0000 Gas Taxes Fund - \$70,000

APPROVED: 

FINANCE

APPROVED:

MIS

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** ☐ **FINAL ADOPTION** ☐

STAFF RECOMMENDATION:

Adopt the resolution authorizing an increase of \$70,000 to the Gas Taxes Fund appropriation (109-416-221-285-0000) and use of Gas Taxes Fund balance for payment of traffic signal light repair and maintenance.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. FY 2018 Traffic Collision Costs Summary
2. Resolution

FY2018 Traffic Signal Accident Replacement Costs

Date	Location	Description	Cost
Nov. 2017	13th & Highland Ave.	Crosswalk light and sign knockdown	4,215.00
Dec. 2017	Highland Ave.	Safety light knockdown	27,636.00
Mar. 2018	Plaza Bonita Ctr Way	Safety light knockdown	6,117.00
Mar. 2018	Valley Rd & San Miguel Ct	Safety light knockdown	4,465.57
Mar. 2018	Citywide	Bus stop enclosures light replacement*	3,012.19
Mar. 2018	8th St. & Olive	Crosswalk light and sign knockdown	11,842.41
Apr. 2018	11th & Highland	Traffic signal pole repair	7,269.52
May 2018	South side of 8th St. west of I-5	Safety light pole replacement	14,838.75
May 2018	18th & NCB	Damaged traffic conduit & wire replacement	9,237.48
May 2018	Division & Highland	Traffic lights controls & wire replacement	22,904.19
			<u>111,538.11</u>

* non accident related extra work in FY18

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for emergency vehicle access in a portion of "A" Avenue to be vacated.
(Engineering/Public Works)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for emergency vehicle access in a portion of A Avenue to be vacated.

PREPARED BY: Charles Nissley

PHONE: 336-4396

DEPARTMENT: Engineering and Public Works

APPROVED BY: 

EXPLANATION:

Gen3Properties Two, LLC are the owners of the property located at 2829 National City Boulevard, known as Frank Subaru. Recently Gen3Properties Two, LLC has processed a street vacation for that portion of A Avenue lying between the southerly line of E. 28TH Street and the northerly line of E. 29TH Street extended.

In order to secure the existing level of emergency service that existed now, an emergency access easement is required that will provide emergency vehicles access through that portion of A Avenue to be vacated. The access easement meets the minimum requirement of a width of twenty feet and twenty-four hour access for Fire and Police Departments.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Grant Deed
2. Resolution

RECORDING REQUESTED BY:

THE CITY OF NATIONAL CITY

AND WHEN RECORDED MAIL TO:

**CITY CLERK
CITY OF NATIONAL CITY
1243 NATIONAL CITY BLVD.
NATIONAL CITY CA 91950**

(THIS SPACE FOR RECORDER'S USE ONLY)

GRANT DEED - EMERGENCY ACCESS EASEMENT

J.O. NO: _____

ASSESSOR'S PARCEL NO: 562-160-07-00

DWG NO: _____

NO DOCUMENT TAX DUE
R & T CODE 11922

NO FEE FOR GOVT. AGENCY
GOVERNMENT CODE 27383

For valuable consideration, receipt of which is hereby acknowledged,

Gen3 Properties Two LLC

HEREBY GRANT(S) to the City of National City, a municipal corporation, in the County of San Diego, State of California, a permanent easement and a right-of-way for **emergency access**, with the right of ingress and egress of emergency vehicles for access over the property described herein or to other adjacent lands for emergency purposes, over, along and across all that real property situated in the City of National City, County of San Diego, State of California described as follows:

See exhibit "A" attached hereto and exhibit "B" attached for illustration purposes

Date: 6-20-18

Grantor: Gen3 Properties Two, LLC, 2590 National City Blvd National City CA 91950

By: (signature) [Signature]
(type or print name) RONALD FORNACA

President

This is to certify that the interest in real property conveyed by this instrument to the City of National City, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of National City, pursuant to authority conferred by the Municipal Code, and the grantee consents to recordation thereof by its duly authorized officer.

Date: July 17, 2018

For: City of National City

By: Ron Morrison, Mayor

NOTE: NOTARY ACKNOWLEDGMENTS FOR ALL SIGNATURES MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.

EXHIBIT "A"

Emergency Fire Access Easement

THAT PORTION OF BLOCK 2 OF SMITH AND PLANTE'S SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1043, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 11, 1907, AND THAT PORTION OF PARCEL 2 OF RECEIVER'S DEED RECORDED APRIL 24, 2012 AS DOC # 2012-0237989, LYING WITHIN "A" AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF THE 80.00 FOOT WIDE "A" AVENUE, SAID POINT BEING THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2 OF SAID SMITH AND PLANTE'S SUBDIVISION AS SHOWN ON SAID MAP 1043;

THENCE EASTERLY ALONG SAID NORTHERLY LINE NORTH 70°54'42" EAST, 20.00 FEET;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH AND 20.00 FEET EASTERLY, MEASURED AT RIGHT ANGLE, OF SAID "A" AVENUE CENTERLINE, SOUTH 18°57'09" EAST, 148.75 FEET, TO A POINT ON A NON-TANGENT CURVE HAVING A RADIAL BEARING OF NORTH 15°56'08" WEST;

THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE WITH A RADIUS OF 38.00 FEET CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 31°17'26", A DISTANCE OF 20.75 FEET, MORE OR LESS, TO A POINT ON SAID CENTERLINE OF "A" AVENUE, SAID POINT HAVING A RADIAL BEARING OF NORTH 47°13'34" WEST;

THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 18°57'09" WEST, 153.16 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 2999.6 SQUARE FEET (0.069 ACRES), MORE OR LESS.

**FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A
LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT
AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF LAND
DESCRIBED.**

Legal description prepared by:
Kappa Surveying & Engineering, Inc.

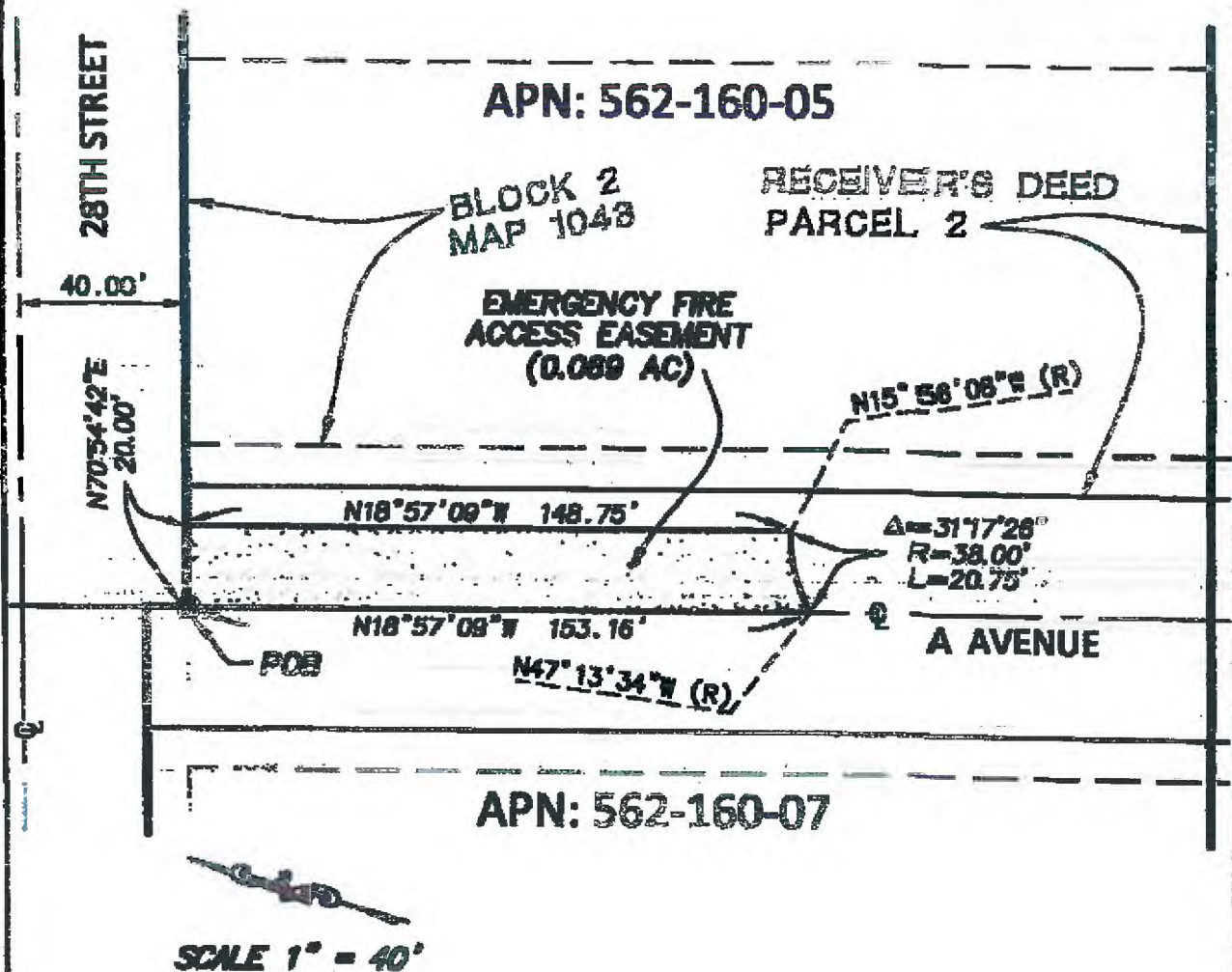
By: Allen R. A. Turner III date: June 12, 2018

Allen R. A. Turner III, PLS

Registration expires December 31, 2018



EXHIBIT "B"



EASEMENT EXHIBIT, OF
2800 BLOCK OF 'A' AVE.
NATIONAL CITY, CA 91950



KAPPA SURVEYING & ENGINEERING, INC.
3707 LA MEZA BLVD., LA MEZA, CA 92041 (951) 485-8840 FAX: (951) 485-8940

Job No.:
319517

Plot Date:
6/15/18

Drafter:
CG



Allen R. A. Turner, R. L.S.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for public access in a portion of "A" Avenue to be vacated.
(Engineering/Public Works)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for public access in a portion of A Avenue to be vacated.

PREPARED BY: Charles Nissley

PHONE: 336-4396

DEPARTMENT: Engineering and Public Works

APPROVED BY: 

EXPLANATION:

Gen3Properties Two, LLC are the owners of the property located at 2829 National City Boulevard, known as Frank Subaru. Recently Gen3Properties Two, LLC has processed a street vacation for that portion of A Avenue lying between the southerly line of E. 28TH Street and the northerly line of E. 29TH Street extended.

In order to provide vehicular traffic on A Avenue (south of the portion to be vacated) a place to turn around, a cul-de-sac is required. In order to accommodate the cul-de-sac Gen3Properties Two, LLC is providing a Public Access Easement on that portion of property on which the cul-de-sac will be constructed.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Grant Deed
2. Resolution

RECORDING REQUESTED BY:

THE CITY OF NATIONAL CITY

AND WHEN RECORDED MAIL TO:

CITY CLERK

CITY OF NATIONAL CITY

1243 NATIONAL CITY BLVD.

NATIONAL CITY CA 91950

(THIS SPACE FOR RECORDER'S USE ONLY)

GRANT DEED - PUBLIC ACCESS EASEMENT

J.O. NO: _____

ASSESSOR'S PARCEL NO: 562-160-05-00

DWG NO: _____

NO DOCUMENT TAX DUE
R & T CODE 11922

NO FEE FOR GOVT. AGENCY
GOVERNMENT CODE 27383

For valuable consideration, receipt of which is hereby acknowledged,

Gen3 Properties Two LLC.

HEREBY GRANT(S) AND DEDICATES to public use, to the City of National City, a municipal corporation, in the County of San Diego, State of California, a permanent easement and right-of-way for **public access**, and incidents and appurtenances thereto, over, under, along and across all that real property in the City of National City, County of San Diego, State of California, described as follows:

See exhibit "A" attached hereto and exhibit "B" attached for illustration purposes

Date: 6-20-18

Grantor: Gen3 Properties Two, LLC, 2590 National City Blvd National City CA 91950

By: (signature) [Signature]
(type or print name) RONALD FORNACA President

This is to certify that the interest in real property conveyed by this instrument to the City of National City, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of National City, pursuant to authority conferred by the Municipal Code, and the grantee consents to recordation thereof by its duly authorized officer.

Date: July 17, 2018

For: City of National City

By: Ron Morrison, Mayor

NOTE: NOTARY ACKNOWLEDGMENTS FOR ALL SIGNATURES MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.

EXHIBIT "A"

Public Access Easement

THAT PORTION OF "A" AVENUE IN SMITH AND PLANTE'S SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1043, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 11, 1907, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF THE 80.00 FOOT WIDE "A" AVENUE, SAID POINT BEING THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2 OF SAID SMITH AND PLANTE'S SUBDIVISION AS SHOWN ON SAID MAP 1043;

THENCE EASTERLY ALONG SAID NORTHERLY LINE NORTH $70^{\circ}54'42''$ EAST, 40.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 2;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 2, BEING ALSO THE EASTERLY LINE OF SAID "A" AVENUE, SOUTH $18^{\circ}57'09''$ EAST, 249.88 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 2;

THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID BLOCK 2, SOUTH $70^{\circ}55'15''$ WEST, 80.00 TO THE ~~TRUE POINT OF BEGINNING~~;

THENCE LEAVING SAID WESTERLY PROLONGATION OF SAID SOUTHERLY LINE, NORTH $18^{\circ}57'09''$ WEST, 83.07 FEET TO A POINT OF A TANGENT CURVE HAVING A RADIAL BEARING OF NORTH $71^{\circ}02'51''$ EAST;

THENCE NORTHERLY AND EASTERLY ALONG SAID TANGENT CURVE HAVING A RADIUS OF 38.00 FEET CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF $239^{\circ}32'45''$, A DISTANCE OF 158.87 FEET, TO A POINT OF A TANGENT REVERSE CURVE;

THENCE SOUTHERLY ALONG A TANGENT CURVE HAVING A RADIAL BEARING OF NORTH $49^{\circ}24'24''$ WEST AND A RADIUS OF 35.00 FEET CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF $59^{\circ}39'21''$, A DISTANCE OF 36.44 FEET, MORE

OR LESS, TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID BLOCK 2:

THENCE WESTERLY ALONG SAID WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 2, SOUTH 70°58'15" WEST, 40.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5841.7 SQUARE FEET (0.138 ACRES), MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF LAND DESCRIBED.

Legal description prepared by:
Kappa Surveying & Engineering, Inc.

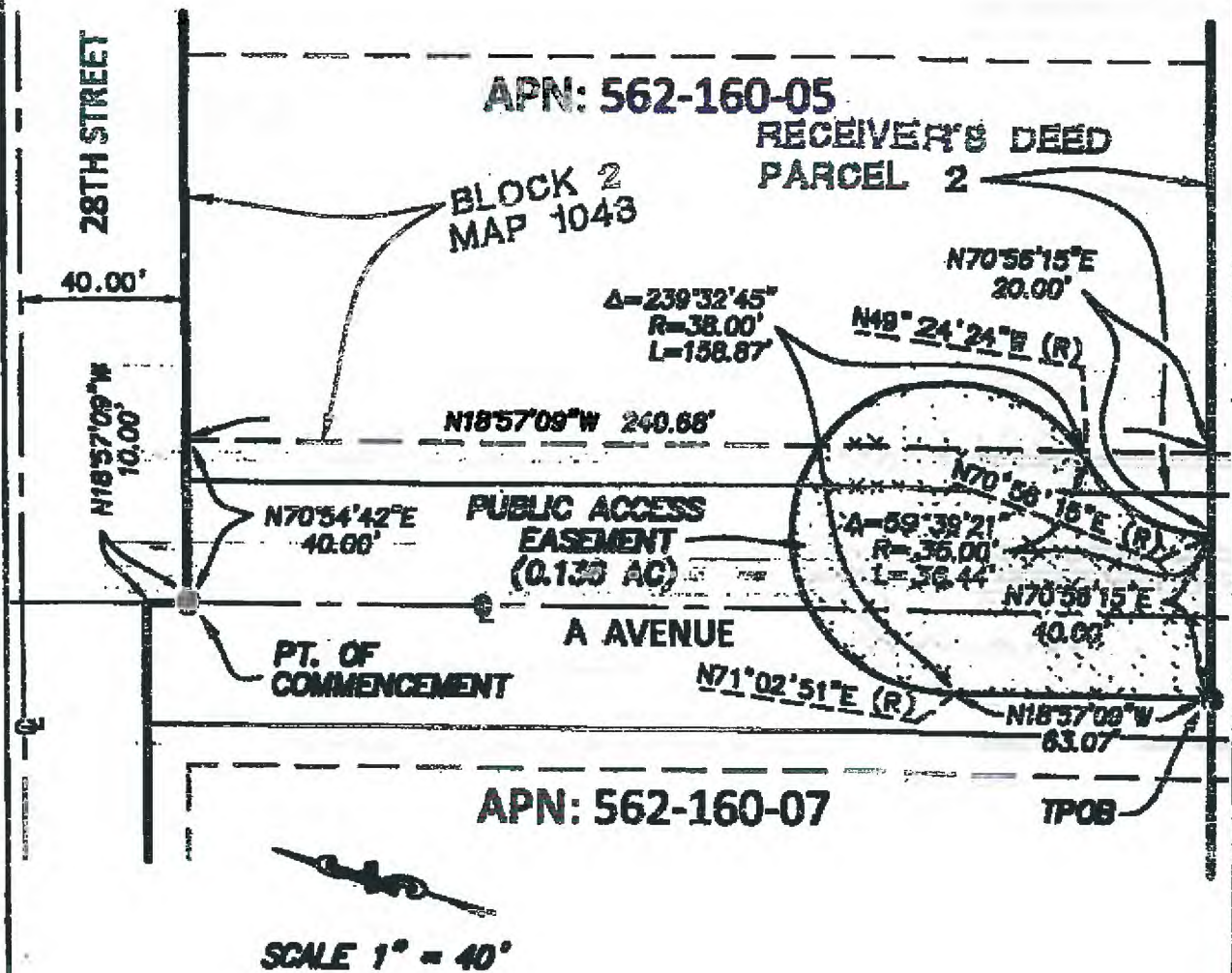
By: ALLAN R. A. TURNER III date: June 13, 2018

Allan R. A. Turner III, PLS

Registration expires December 31, 2018



EXHIBIT "B"



EASEMENT EXHIBIT OF
2800 BLOCK OF 'A' AVE
NATIONAL CITY, CA 91950



KAPPA SURVEYING & ENGINEERING, INC.
8707 LA BREA BOULEVARD, LA BREA, CA 90042 (310) 488-8888 FAX (310) 488-8880

Job No.:
319517

Plot Date:
8/15/18

Drafter:
CG



Allen R. A. Turner, E., P.E.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for General Utilities in a portion of "A" Avenue to be vacated.
(Engineering/Public Works)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City accepting and authorizing the Mayor to sign an easement for General Utilities in a portion of A Avenue to be vacated.

PREPARED BY: Charles Nissley

DEPARTMENT: Engineering and Public Works

PHONE: 336-4396

APPROVED BY: 

EXPLANATION:

Gen3Properties Two, LLC are the owners of the property located at 2829 National City Boulevard, known as Frank Subaru. Recently Gen3Properties Two, LLC has processed a street vacation for that portion of A Avenue lying between the southerly line of E. 28TH Street and the northerly line of E. 29TH Street extended.

In order to accommodate the existing public utilities within the portion of A Avenue being vacated a general utility easement is required. The easement will allow for the construction, reconstruct, maintain, operate and repair the public utilities including any appurtenances thereto.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Grant Deed
2. Resolution

RECORDING REQUESTED BY:

THE CITY OF NATIONAL CITY

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF NATIONAL CITY
1243 NATIONAL CITY BLVD.
NATIONAL CITY CA 91950

(THIS SPACE FOR RECORDER'S USE ONLY)

GRANT DEED - GENERAL UTILITIES EASEMENT

J.O. NO: _____

ASSESSOR'S PARCEL NO: 562-160-05-00
562-160-03-00

DWG NO: _____

NO DOCUMENT TAX DUE
R & T CODE 11922

NO FEE FOR GOVT. AGENCY
GOVERNMENT CODE 27383

For valuable consideration, receipt of which is hereby acknowledged, GEN3 PROPERTIES TWO LLC.

HEREBY GRANT(S) to the City of National City, a municipal corporation, in the County of San Diego, State of California, a permanent easement and a right-of-way for access to construct, reconstruct, maintain, operate and repair **public utilities**, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

See exhibit "A" attached hereto and exhibit "B" attached for illustration purposes

Reserving unto the Grantor herein, heirs and assigns the continued use of the above described parcel of land subject to the following conditions:

(1) The erecting of buildings, masonry walls, and other permanent structures; the planting of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by an Encroachment Maintenance and Removal Agreement issued by the City Engineer, and (2) Subject to the use of said easement by San Diego Gas and Electric Company, Pacific Bell, a community television antenna company, or other publicly franchised utility entities, provided the location of such publicly franchised utilities conforms to the location of utilities as approved by the City Engineer.

Date: 6-20-18

Grantor: Gen3 Properties Two, LLC, 2590 National City Blvd National City CA 91950

By: (signature)
(type or print name) RONALDO FORNACA

This is to certify that the interest in real property conveyed by this instrument to the City of National City, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of National City, pursuant to authority conferred by the Municipal Code, and the grantee consents to recordation thereof by its duly authorized officer.

Date: July 17, 2018

For: City of National City

By: Ron Morrison, Mayor

NOTE: NOTARY ACKNOWLEDGMENTS FOR ALL SIGNATURES MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.

EXHIBIT "A"

General Utility Easement

THAT PORTION OF THE EASTERLY 30.00 FEET OF THE WESTERLY 40.00 FEET OF "A" AVENUE, LYING EASTERLY OF LOTS 11 TO 20 INCLUSIVE IN BLOCK 1 OF SMITH AND PLANTE'S SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1043, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 11, 1907, AND LYING EASTERLY OF AND ADJACENT TO PARCEL 1 OF RECEIVER'S DEED RECORDED APRIL 24, 2012 AS DOC # 2012-0237989, AND THE SOUTHERLY 10.00 FEET OF 28TH STREET LYING ADJACENT TO AND EASTERLY OF SAID PARCEL 1, AS VACATED AND CLOSED TO PUBLIC USE;

TOGETHER WITH THAT PORTION OF THE EASTERLY 40.00 FEET OF "A" AVENUE, LYING WESTERLY OF AND ADJACENT TO LOTS 1 TO 10 INCLUSIVE IN BLOCK 2 OF SAID MAP 1043, AND THE WESTERLY 10.00 FEET OF PARCEL 2 OF SAID RECEIVER'S DEED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF "A" AVENUE, SAID POINT BEING THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2 OF SAID SMITH AND PLANTE'S SUBDIVISION AS SHOWN ON SAID MAP 1043;

THENCE EASTERLY ALONG SAID WESTERLY PROLONGATION NORTH 70°54'58" EAST, 40.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 2;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 2, BEING ALSO THE EASTERLY LINE OF SAID "A" AVENUE, SOUTH 18°57'14" EAST, 249.87 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 2;

THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID BLOCK 2, SOUTH 70°54'56" WEST, 40.00 FEET, TO THE CENTERLINE OF SAID "A" AVENUE;

THENCE CONTINUING WESTERLY ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID BLOCK 1 OF SAID MAP 1043, SOUTH 70°54'56" WEST 30.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE WESTERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, OF SAID "A" AVENUE;

THENCE NORTHERLY ALONG SAID EASTERLY LINE OF THE WESTERLY 10.00 FEET OF SAID "A" AVENUE, NORTH 18°57'14" WEST, 259.71 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF THE SOUTHERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, OF 28TH STREET OF SAID SMITH AND PLANTE'S SUBDIVISION;

THENCE EASTERLY ALONG THE EASTERLY PROLONGATION OF SAID NORTHERLY LINE OF SAID SOUTHERLY 10.00 FEET OF SAID 28TH STREET, NORTH 70°54'58" EAST, 30.00 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF SAID "A" AVENUE;

THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID "A" AVENUE, SOUTH 18°57'14" EAST, 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,783 SQUARE FEET (0.41 ACRES), MORE OR LESS.

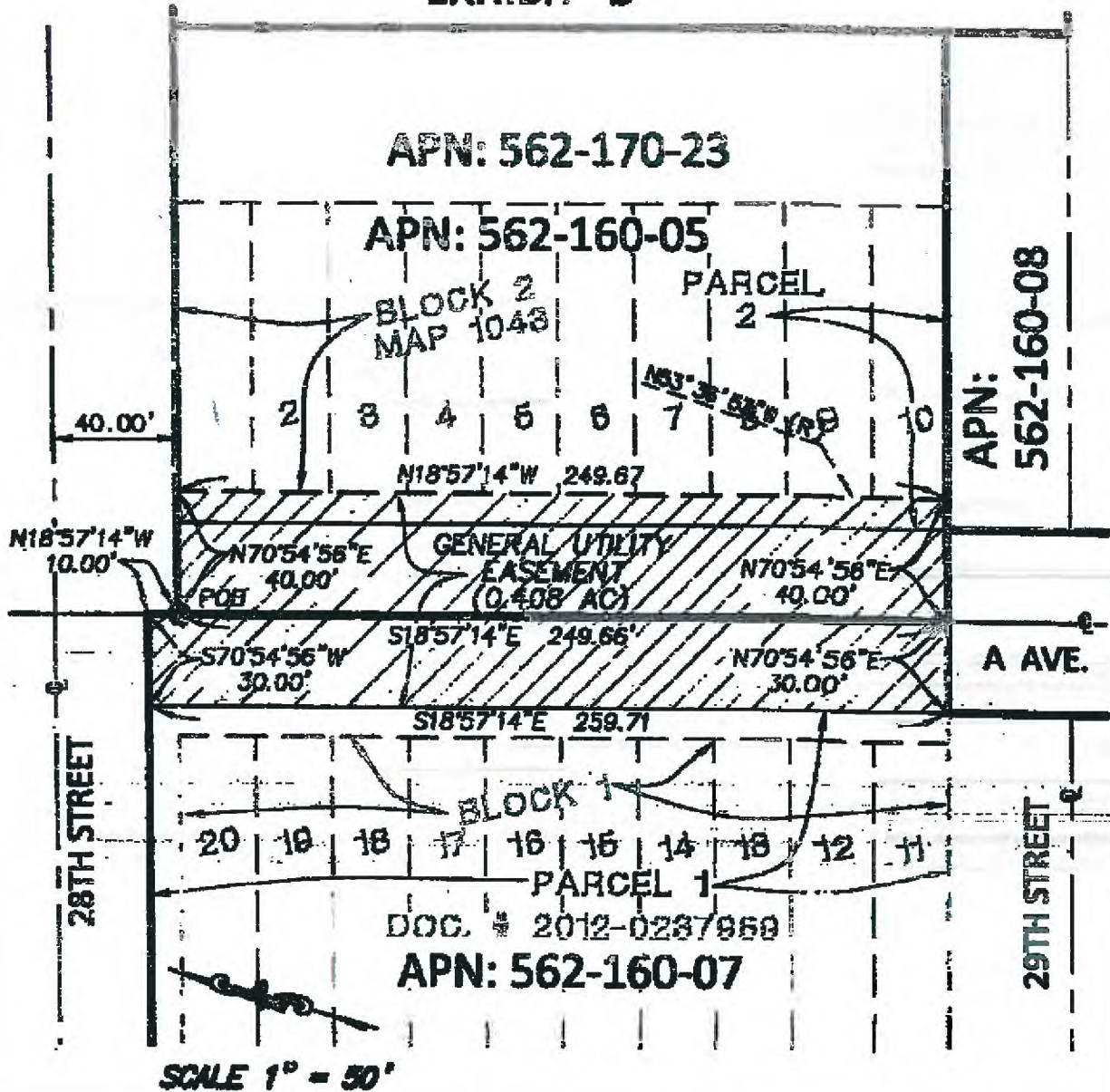
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF LAND DESCRIBED.

Legal description prepared by:
Kappe Surveying & Engineering, Inc.

By: Allen R. A. Turner III, PLS date: April 18, 2018
Registration expires December 31, 2018



EXHIBIT "B"



EASEMENT EXHIBIT, OF
2800 BLOCK OF 'A' AVE.
NATIONAL CITY, CA 91950



KAPPA SURVEYING & ENGINEERING, INC.
3707 LA MESA BOULEVARD, LA MESA, CA 91942 (619) 425-8800 FAX (619) 425-8400

Job No:
319517

Plot Date:
4/18/18

Drafter:
CG



Allen R. A. Turner III, P.E.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City approving a Relocation Plan for the relocation of the two residential tenants and one business tenant located at 302 W. 19th Street at a cost not-to-exceed \$200,000 and authorizing the establishm

CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

MEETING DATE: July 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City approving a Relocation Plan for the relocation of the two residential tenants and one business tenant located at 302 W. 19th Street at a cost not-to-exceed \$200,000 and authorizing the establishment of an appropriation of \$200,000 based on the available fund balance of the Sewer Service Fund.

PREPARED BY: Gregory Rose, Property Agent

DEPARTMENT: Housing & Economic
Development

PHONE: 619.336.4266

APPROVED BY:

EXPLANATION:

The purchase of 302 W 19th Street in National City ("Property") was approved by the City Council on March 6, 2018 and the sale was finalized on July 2, 2018. The property was purchased because the cost of imminent sewer repairs and improvements needed through Paradise Creek Educational Park to provide service to this single Property was deemed infeasible by the City's Engineering and Public Works Services Department. The property was purchased with the intent to demolish the structure and use the land in the development of Paradise Creek Educational Park. Due to the necessary demolition of existing structures, all current occupants of the Property will need to be permanently relocated. There are two residential tenants and one commercial tenant that will require relocation. The needs and characteristics of the current occupants, available relocation resources and the City's program to provide assistance to each affected person are general subjects of the Relocation Plan.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. 125-409-500-598-1596 WITOD Improvements

APPROVED: _____ **MIS**

The appropriation of a not-to-exceed amount of \$200,000 to the capital outlay project expenditure account no. 125-409-500-598-1596 will come from the Sewer Service Fund based on the available fund balance of the Sewer Service Fund.

ENVIRONMENTAL REVIEW:

Approval of the relocation plan is not a "Project" under section 15378 of the California Environmental Quality Act ("CEQA") guidelines because the proposed action consists of an administrative activity that will not result in direct or indirect physical changes to the environment.

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

n/a

ATTACHMENTS:

1. Relocation Plan
2. Resolution



302 W 19th Street Project

DRAFT RELOCATION PLAN

Prepared for:

City of National City
1243 National City Boulevard
National City, CA 91950

Prepared by:

Overland, Pacific & Cutler, LLC
438 Camino Del Rio South Suite 213
San Diego, CA 92108
619-688-7980

May 22, 2018

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EXHIBIT A:	HUD Income Limits
EXHIBIT B:	Informational Statements
EXHIBIT C:	General Information Notices
EXHIBIT D:	Public Comments & Responses

INTRODUCTION

The City of National City (the “City”) has authorized the preparation of a Relocation Plan to be undertaken in connection with the commencement of the proposed 302 W 19th Street Project (the “Project”). The City plans to acquire property located at 302 W 19th Street, National City, CA (the “Property”) which will be incorporated as part of the adjacent Paradise Creek Park (the “Park”). Moving forward with the Project would require the acquisition and demolition of improvements on the Property.

The Property is improved with a two level commercial and residential use building. The ground floor is commercial space occupied by one business. The second level consists of two tenant occupied residential apartments. Moving forward with the Project will require the demolition of existing improvements and the permanent displacement and relocation of the one commercial occupant and the two residential tenants.

Funding for the Project will come from local City of National City funds. However, development phases of the Park included local and federal sources, including federal HOME funds. Because of the nexus between the Park and the proposed Project, relocation assistance services will be implemented in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), Section 104(d) of the Housing and Community Development Act of 1974, (the Act) as amended [42 United States Code, Section 5304(d)], HUD Handbook 1378, California Government Code 7260 and Title 25 of the California Code of Relocation Regulations, as applicable.

Due to the necessary demolition of existing structures, all current Project occupants will need to be permanently relocated. The needs and characteristics of the displacee population, available relocation resources and the City’s program to provide assistance to each affected person are general subjects of this Relocation Plan (Plan).

The City has retained Overland, Pacific & Cutler, LLC (OPC) to prepare a Relocation Plan and to provide relocation assistance services to the tenants. This Plan conforms to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Handbook 1378 of the Department of Housing and Urban Development (HUD), Section 104(d) of the Housing and Community Development Act of 1974, (the Act) as amended [42 United States Code, Section 5304(d)], the implementing regulations at 24 Code of Federal Regulations, Part 42, California Relocation Assistance Law, Government Code Section 7260, et seq. (Law) and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development as in Title 25, California Code of Regulations Section 6000, et seq. (Guidelines).

One-for-One Replacement Unit Requirement

The City will replace all occupied and vacant occupiable lower income housing units demolished in connection with funds provided under the HOME loan program.

All replacement housing will be provided within three years after the commencement of the demolition.

This Plan is organized in five sections:

1. Project description (**SECTION I**);
2. Assessment of the relocation needs of persons subject to displacement (**SECTION II**);
3. Assessment of available replacement residential units and commercial sites within the City of National City (**SECTION III**);
4. Description of the City's relocation program (**SECTION IV**);
5. Description of the City's outreach efforts, Project timeline and budget (**SECTION V**).

I. PROJECT DESCRIPTION

A. REGIONAL LOCATION

The Project site is located in the City of National City within San Diego County. The site is approximately seven miles southeast of downtown San Diego and is immediately accessible from Interstate highway 5. Adjacent Cities include San Diego and Chula Vista. Figure 1 below is an area map showing the regional location of the Project.

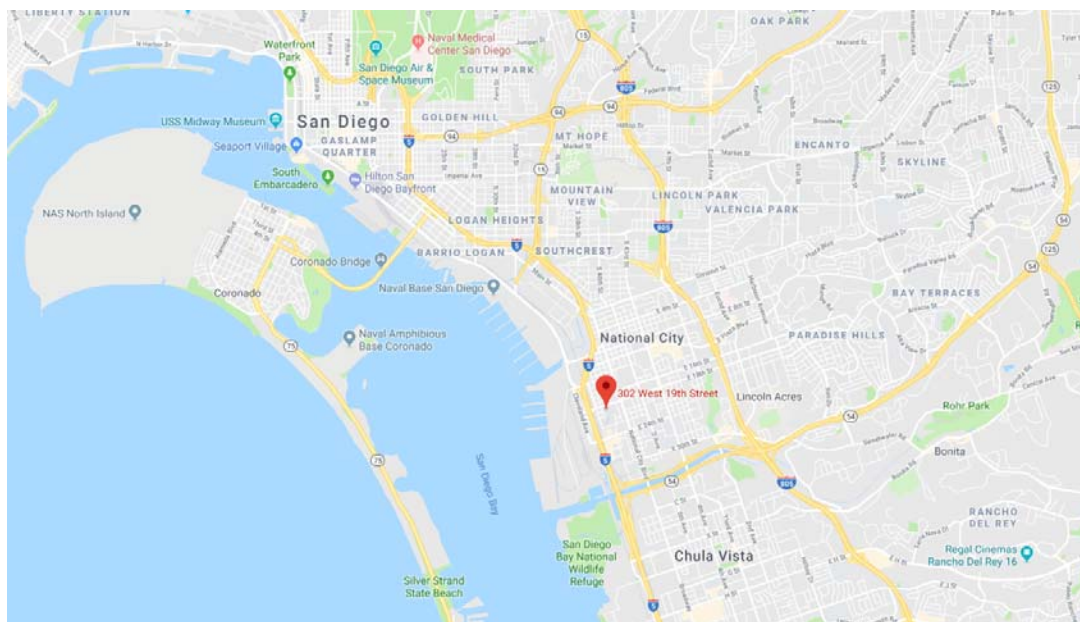


Figure 1: Regional Project Location

B. PROJECT SITE LOCATION AND DESCRIPTION

The Project site is located at 302 W. 19th Street, National City, CA 91950 and is generally bordered by 19th Street to the north, Highland Avenue to the west and Paradise Creek Park to the east and south (*Figure 2: Project Site Location*).



Figure 2: Project Site Location

C. GENERAL DEMOGRAPHIC AND HOUSING CHARACTERISTICS

According to the 2010 U.S. Census, the population of the City of National City is 58,582, and the population of the impacted Census Tract 219 is 6,816 (see **Table 1**). Corresponding Census data concerning the housing mix is shown in **Table 2**.

Table 1: 2010 Census Population – City of National City & Impacted Tract				
Population	Tract 219	%	City	%
Total Population	6,816	100	58,582	100.0%
White	3,791	55.6	24,725	42.2%
Black or African American	969	14.2	3,054	5.2%
American Indian or Alaska Native	115	1.7	618	1.1%
Asian/Native Hawaiian or Other Pacific Islander	623	9.1	11,181	19.1%
Two or More Races	346	5.1	2,829	4.8%
Hispanic or Latino (of Any Race)	2,507	36.8	36,911	63.0%

Source: U.S. Census Bureau, DP-1. Profile of General Population and Housing Characteristics: 2010

TABLE 2: 2010 Census Housing Units – National City & Impacted Tract				
Type	Tract 219	%	City	%
Total Occupied Units	533	68.6	15,502	92.5
Owner-Occupied	133	25.0	5,197	33.5%
Renter-Occupied	400	75.0	10,305	66.5%
Vacant Housing Units	244	31.4	1,260	7.5%
Available for Sale Only (of Total Vacant Units)	6	0.8	111	0.7%
Available for Rent – Full Time Occupancy (of Total Vacant Units)	51	6.6	612	3.7%
Sold or Rented – Not Occupied	17	2.2	63	0.4%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	164	21.1	192	1.1%
Other Vacant	6	0.8	282	1.7%

Source: U.S. Census Bureau, DP-1. Profile of General Population and Housing Characteristics: 2010

II. ASSESSMENT OF RELOCATION NEEDS

A. SURVEY METHOD

There is one business occupant and two residential tenant households in the Project site. To obtain information necessary for the preparation of this Plan, personal interviews with the business owner and residential tenants to be permanently displaced were conducted in late March 2018 by OPC staff. Interviewers were able to interview the business occupant and one residential tenant. The non-responsive residential tenant declined to participate in interview attempts. The data in this section of the Plan are based solely on the anecdotal responses of those individuals who participated in the survey and information provided by the property owner and the City.

Inquiries made of the residential occupants concerned household size and composition, income, monthly rent, length of occupancy, ethnicity, home language, physical disabilities, special relocation needs, and replacement housing preferences. Inquiries made of the commercial occupants pertained to the type and description of the business, number of employees, annual revenues, specialty equipment, permits and licenses, hours of operation, special needs related to the relocation of the business, and preferred area to relocate.

B. FIELD SURVEY DATA - COMMERCIAL

1. Current Occupants

There is one commercial occupant on the Project site providing property management services to HOA communities. The business owner rents approximately 1,800 square feet of building space with office and storage space and has use of a fenced yard to park vehicles. The business pays \$1,920 per month for rent and has a month-to-month rental agreement. The business space is furnished with common office furniture and equipment. The business owner stated that there are 24 full-time employees and three part-time employees.

It does not appear there will be special replacement site requirements for the businesses other than the appropriate zoning, adequate space and desirable demographics. The business should be able to relocate into replacement commercial space.

C. FIELD SURVEY DATA - RESIDENTIAL

1. Current Occupants

There are two residential households to be permanently relocated for the Project that may be eligible for relocation assistance and are the subjects of this Plan. Only one household participated in survey questions and the follow information only reports information from the one responsive household. There are four adults and one child (17 years or younger) on-site for a total known project occupancy of five persons (assumes at least one adult from the non-responsive household). Both households occupy two-bedroom units.

2. Replacement Housing Needs

One of the primary purposes of a Relocation Plan is to demonstrate the availability of comparable, affordable, decent, safe and sanitary housing prior to the displacement of residential occupants. Replacement housing needs, as expressed in this plan, are defined by the total number of required replacement units and distribution of those units by bedroom size.

The projected number of required units by bedroom size is calculated by comparing survey data for household size with the City's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, seven persons in a three-bedroom unit and nine or more persons in a four-bedroom unit.

Therefore, based on the occupancy standard stated above, the replacement units required for the Project occupants to be offered permanent relocation assistance are two two-bedroom rental units. This assumes the non-responsive household is not over-crowded.

3. Income

Verbal information regarding gross household income was provided by one household who may be permanently displaced. According to income standards for the County of San Diego (**Exhibit A**) adjusted for family size as published by the United States Department of Housing and Urban Development (HUD), the one responsive household qualifies as Very Low Income (50% or less of AMI).

4. Ethnicity/Language

The one responsive household reported their ethnicity as Hispanic and Spanish as their preferred language. This household reported that at least one household member understood English. All verbal communication and required written notices will be provided in the language understood by the members of the household.

5. Senior/Handicapped Households

There are no known senior members (62 years or older). One household reported a member with a disability that may require an accommodation to address mobility concerns.

6. Preferred Relocation Areas

The responsive household expressed a preference to remain in the same area to stay in proximity to employment, medical facilities, schools and relatives.

III. RELOCATION RESOURCES

COMMERCIAL

A. METHODOLOGY

A resource survey was conducted to identify available potential replacement commercial units for rent near the Project site in National City. The following sources were utilized:

- Contacts with real estate/property management companies serving the community
- Internet sources for rental opportunities, including the Multiple Listing Service
- Classified rental listings from local newspapers and *For Rent* publications

B. REPLACEMENT COMMERCIAL SITES AVAILABILITY

The business that will be displaced should be able to relocate in National City or surrounding areas. When searching for replacement locations, zoning and other regulatory issues must be considered carefully. The current availability of commercial space for lease in National City appears adequate, however there are limited sites identified with yard space.

The current availability of commercial/industrial space for lease in National City is adequate. Seven available commercial spaces were identified ranging from 1,737 – 3,740 square feet with monthly per square foot rates of \$0.95 - \$1.45.

At the time of displacement, ongoing referrals of potential replacement sites for the business will be provided through contacts with local newspapers, property management companies, the multiple listing service and commercial real estate brokers.

RESIDENTIAL

A. METHODOLOGY

For residential housing, a resource survey was conducted to identify available rental units available for rent in National City. The following sources were utilized:

- Classified rental listings from local newspapers and *For Rent* publications
- Contacts with real estate/property management companies serving the community
- Internet sources of rental opportunities

B. REPLACEMENT HOUSING AVAILABILITY

1. Residential Rental Housing

The rental replacement housing survey considered two-bedroom dwellings in National City. This data is summarized in **Table 3** below. The individual figures for number of units found by bedroom size are presented in the table alongside the number of units needed (shown in parentheses) to meet the re-housing obligations.

Table 3: Availability and Cost of Replacement Rental Housing	
# of Bedrooms	Two
# Found (# Needed)	7 (2)
Rent Range	\$1,550 - \$2,145
Median Rent	\$1,700

The median rent amounts shown in the table is among the figures used to make benefit and budget projections for the Plan. This amount is, naturally, subject to change according to the market rates prevailing at the time of actual displacement.

2. Summary

Considering the above described availability of replacement housing resources gathered, it appears that there are more than adequate replacement units for the residential occupants. But, while adequate replacement resources exist, based on survey results of rental opportunities and the tenant's current rent, the tenant occupants will likely have an increase in monthly rent. Possible increases, if any, will be met through the City's obligation under the relocation regulations, including Last Resort Housing (LHR) requirements. (See Section IV, E).

C. RELATED ISSUES

1. Concurrent Residential Displacement

There are no anticipated public projects causing significant residential displacements currently underway in National City which would compete with the Project for needed housing resources. No residential displacee will be required to move without both adequate notice and access to available affordable decent, safe and sanitary housing.

IV THE RELOCATION PROGRAM

The City's Relocation Program is designed to minimize hardship, be responsive to unique project circumstances, emphasize maintaining personal contact with all affected individuals, consistently apply all regulatory criteria to formulate eligibility and benefit determinations and conform to all applicable requirements.

The City will retain Overland, Pacific & Cutler, LLC ("OPC") to administer the Relocation Program. OPC has worked on more than 5,000 public acquisition and relocation projects over more than 38 years. Additionally, OPC has an extensive resume of housing, redevelopment and public works projects undertaken in the County of San Diego and other Southern California communities. Experienced City staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of the City's policy.

OPC staff will be available to assist any relocated person with questions about the relocation process, relocation counseling and/or assistance in relocating. An OPC relocation agent can be contacted at **(619) 688-7980** from 8:00 am to 5:00 pm Monday through Friday, and is available via voicemail and/or cellular phone after hours. The Relocation Office is located at **438 Camino Del Rio South, Suite 213, San Diego, CA 92108**.

The Relocation Program consists of two principal constituents: Advisory Assistance and Financial Assistance.

A. ADVISORY ASSISTANCE

Individuals who will need to relocate existing businesses and personal property will receive advisory assistance. Advisory assistance services are intended to:

- inform displacees about the relocation program
- help in the process of finding appropriate replacement accommodations
- facilitate claims processing
- maintain a communication link with the City
- coordinate the involvement of outside service providers

To follow through on the advisory assistance component of the relocation program and assure that the City meets its obligations under the law, OPC staff will perform the following functions:

1. Distribute appropriate written information concerning the City's relocation program;

2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits (See **Exhibit B**);
3. Determine the needs of each displacee eligible for assistance;
4. Provide referrals to available commercial sites for business tenants;
5. Provide residential displacees with at least three referrals to comparable replacement housing within a reasonable time prior to displacement. *Generally, a comparable replacement dwelling must satisfy the following criteria:*
 - (a) *The unit is decent, safe and sanitary - electrical, plumbing and heating systems in good repair - no major, observable hazards or defects. The unit is adequate in size and is comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space as necessary to accommodate the displaced person. The unit is functionally equivalent, including principle features.*
 - (b) *The unit is located in an area not subjected to unreasonable adverse environmental conditions from either natural, or man-made sources, and not generally less desirable with respect to public utilities, transportation, public and commercial facilities, including schools and municipal services and reasonably accessible to the displaced person's place of employment.*
 - (c) *The unit is available both on the private market and to all persons regardless of race, color, sex, marital status, religion or, national origin.*
 - (d) *The monthly rental rate is within the financial means of the displaced residential tenant.*
6. Maintain an updated database of available replacement resources, and distribute referral information to displacees for the duration of the Project;
7. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;
8. Make benefit determinations and payments in accordance with applicable law and the City's adopted relocation guidelines;
9. Assist eligible occupants in the preparation, and submission, of relocation assistance claims;
10. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate;

11. Inform all persons subject to displacement of the City's policies with regard to eviction and property management;
12. Provide additional reasonable services necessary to successfully relocate occupants;
13. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the City's decisions with respect to relocation assistance; and
14. Provide assistance that does not result in different or separate treatment based on or due to an individual's sex, marital status, race, color, religion, ancestry, national origin, physical handicap, sexual orientation, and domestic partnership status.

B. COMMERCIAL RELOCATION BENEFITS

As a function of a comprehensive relocation assistance program, relocation staff will provide the displaced business owner with required technical and advisory assistance and distribute all required notices and the informational statement (**Exhibit B**). Close contact will be maintained with the business owner.

The City will provide relocation assistance as directed by the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, HUD Handbook 1378, Section 104(d) of the Housing and Community Development Act of 1974, (the Act) as amended [42 United States Code, Section 5304(d)], the implementing regulations at 24 Code of Federal Regulations, Part 42, California Relocation Assistance Law, Government Code Section 7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development as in Title 25, California Code of Regulations Section 6000, et seq. (Guidelines). The City will pay benefits to the claimants upon submission of required claim forms and documentation in accordance with the City's approved procedures.

The business will have two options with respect to claims for relocation assistance benefits:

- 1) compensation for actual reasonable and necessary moving and related expenses;
or
- 2) a fixed payment in lieu not to exceed \$40,000.

Off-site property owners whose sole business is considered to be the rental of real property to others are not eligible to receive a fixed payment but may file a claim for actual moving costs and compensation for reestablishment expenses described later in this section, unless the property is acquired through voluntary acquisition, as in the case of the Project parcels.

1. Payment for Actual Reasonable and Necessary Moving and Related Expenses

Any business, which qualifies as a displaced person, is entitled to payment for such actual moving expenses, as the City determines to be reasonable and necessary, including expenses for:

- a. Transportation of persons and property from the present location to the replacement location (transportation costs for a distance beyond 50 miles are not eligible, unless the City determines that relocation beyond 50 miles is justified);
- b. Packing, crating, uncrating, and unpacking personal property;
- c. Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. Includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;
- d. Storage of personal property for a period not to exceed 12 months, unless the City determines that a longer period is necessary;
- e. Insurance of personal property while in storage or transit and the replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person) in the process of moving, where insurance is not readily available;
- f. Any license, permit, or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location. (These costs may be pro-rated based on the remaining useful life of any existing license, permit or certification);
- g. Reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees, and consultants' charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- h. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the business operation including, but not limited to, soil testing, feasibility and marketing surveys;
- i. The purchase and installation of substitute personal property limited to the lesser of: (1) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the City, subject to certain limitations, or, (2) the replacement cost, less any proceeds from its sale or trade in;
- j. Connection to available nearby utilities from the right-of-way to improvements at the replacement site;

- k. The modification of machinery, equipment or other personal property necessary to adapt these to the replacement location or to utilities available at the replacement location;
- l. Relettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move;
- m. Actual direct losses of tangible personal property resulting from moving or discontinuing a business or non-profit organization, not-to-exceed the lesser of: (1) the fair market value of the property for continued use at its location prior to displacement less any proceeds from sale of the property; or, (2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the City, subject to certain limitations;
- n. Actual and reasonable expenses incurred in searching for a replacement business or non-profit organization location, not-to-exceed \$2,500, and including compensation for transportation expenses; time spent searching for a reasonable location, meals, and lodging; real estate broker or agent fees; time spent in obtaining permits and attending zoning hearings; and time spent negotiating the purchase of a replacement site;
- o. Impact fees or one-time assessments for anticipated heavy utility usage;
- p. Low Value/High Bulk: when the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the City, the allowable moving cost payment shall not exceed the lesser of: (1) the amount which would be received if the property were sold at the site or (2) the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the City;
- q. A Reestablishment allowance of up to \$25,000, available to farms, nonprofit organizations and small businesses with no more than 500 employees. Reestablishment allowance payments are made in addition to compensation provided for actual, reasonable and necessary moving expenses. Reestablishment allowance expense categories include but are not limited to:
 - 1) Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance;

- 2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business;
- 3) Construction and installation costs for exterior signing to advertise the business;
- 4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint paneling or carpeting;
- 5) Advertisement of replacement location;
- 6) Estimated increased costs of operation during the first two years at the replacement site for such items as:
 - a. Lease or rental charges
 - b. Personal or real property taxes
 - c. Insurance premiums, and
 - d. Utility charges, excluding impact fees
- 7) Other items essential to the reestablishment of the business.

2. Self-Moves

If the displaced business elects to take full responsibility for the move of the business, the City will make a payment for the business's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates submitted to the City. At the City's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

3. A Fixed Payment in Lieu of a Payment for Actual Reasonable Moving and Related Expenses

The option to claim a fixed payment enables both for-profit and non-profit businesses to receive relocation assistance compensation without providing documentation of bids and actual expenses. The payment amount available to any individual business is based on an average of annual net earnings over a two year period. For businesses which have not been in operation for two years, income figures can be annualized. The method for establishing income is through tax returns and/or certified financial statements. The payment to an eligible business may not be less than \$1,000, or more than \$40,000.

To qualify for this payment, it must be determined that, a displaced business:

- owns or rents personal property, which must be moved in connection with such displacement and for which an expense would be incurred in such move;

- is not operated at the displacement site solely for the purpose of renting the dwelling or site to others;
- cannot be a part of a commercial enterprise having at least three other establishments which are not being acquired by the City, and which is under the same ownership and engaged in the same or similar business activities;
- must not be able to relocate without substantial loss of patronage; and
- contributed materially, as defined by the City, to the income of the displaced person during the two taxable years prior to displacement.

C. RESIDENTIAL RELOCATION BENEFITS

Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displacees. In the course of a personal interview and follow-up visits, each displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance.

Relocation benefits will be provided in accordance with the provisions of the federal, state and local guidelines, and City rules, regulations and procedures pertaining thereto. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation in accordance with the City's normal administrative procedures.

The City will process advance payment requests to mitigate hardships for tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

1. Residential Moving Expense Payments

All residential occupants to be permanently relocated will be eligible to receive a payment for moving expenses. Moving expense payments will be made based upon the actual cost of a professional move or a fixed payment based on a room-count schedule.

a. Actual Cost (Professional Move)

Displacees may elect to have a licensed professional mover perform the move. The actual cost of the moving services, based on at least two acceptable bids, will be compensated by the City in the form of a direct payment to the moving company upon presentation of an invoice. Transportation costs are limited to a distance of 50 miles in either case. In addition to the actual move, costs associated with utility re-connections (i.e., gas, water, electricity, telephone, and cable, if any), are eligible for reimbursement.

b. Fixed Payment (based on Room Count Schedule)

An occupant may elect to receive a fixed payment for moving expenses which is based on the number of rooms occupied in the displacement dwelling. In this case, the person to be relocated takes full responsibility for the move. The fixed payment includes all utility connections as described in (a), above.

The current schedule for fixed moving payments is set forth in **Table 4** following:

TABLE 4: Schedule of Fixed Moving Payments*	
Unfurnished Dwelling	
One room	\$725
Two rooms	\$930
Three rooms	\$1,165
Four rooms	\$1,375
Five rooms	\$1,665
Six rooms	\$1,925
Seven rooms	\$2,215
Eight rooms	\$2,505
each additional room	\$265
Furnished Dwelling	
First Room	\$475
Each additional room	\$90

*Based on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended – Fixed Residential Moving Cost Schedule (2015)

2. Rental Assistance for Tenant Occupants Who Choose to Rent

To be eligible to receive rental assistance benefits, the displaced tenant household has to rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date they move from the displacement dwelling.

Based upon the available data regarding Project displacees, the displaced households may qualify for, and may be eligible to apply for, relocation benefits under the URA provisions **or** Section 104(d) or the State Regulations. Under Section 104(d), Rental Assistance Payments will be calculated based upon the monthly housing need over a 60 month period for eligible occupants whose income level does not exceed 80% of the median income for the County of San Diego, as established by the United States

Department of Housing and Urban Development (HUD). Recipients of 104(d) benefits would also be eligible to receive reimbursement for a security deposit and credit check fees.

Except in the case of Last Resort Housing situations, payments to those households whose income level exceeds 80% of the area median income or whom have chosen benefits under the URA or State Regulations, will be payable over a 42 month period and limited to a maximum of \$7,200 as stated under URA guidelines or \$5,250 under State Regulations. The differences between the two programs are explained in detail in the informational brochure that will be provided to each household (see **Exhibit B**).

Table 5 provides an example of how a Section 104(d) rental assistance eligibility amount is determined:

TABLE 5: Example Computation of Section 104(d) Rental Assistance Payments		
1. Adjusted Gross Income	\$600	30% of Household's Monthly Adjusted Gross Income*
-or-		
2. Gross Income	\$300	10% of Gross Monthly Household Income
3. Greater of lines 1 and 2	\$600	Total Tenant Payment
Subtracted from the lesser of:		
4. Actual New Rent	\$795	Actual New Rent (includes utilities)
-or-		
5. Comparable Rent	\$815	Set by City (includes utilities)
6. Lesser of lines 4 and 5	\$795	
7. Monthly Need Amount	\$195	Subtract line 3 from line 6
Rental Assistance	\$11,700	Multiply line 7 (Monthly Need) by 60 months

*Adjusted gross income means the total annual income of an individual household less the following: (1) a deduction of \$480 for each dependent; (2) a deduction of \$400 for an elderly household; (3) a deduction for recurring extraordinary medical expenses; defined for this purpose to mean medical expenses in excess of 3% of total income, where not compensated for, or covered by insurance or other sources; (4) a deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person who would not otherwise be able to seek employment in the absence of such care.

Table 6 portrays **an example** of a benefits determination under the URA:

TABLE 6: Example Computation of URA Rental Assistance Payments		
1. Old Rent	\$650	Old Rent and Utilities
or		
2. Ability to Pay	\$700	30% of the Gross Household Income (for Low Income Households)
3. Lesser of lines 1 or 2	\$650	Base Monthly Rental
Subtracted From:		
4. Actual New Rent	\$750	Actual New Rent and Utilities
or		
5. Comparable Rent	\$775	Determined by City (includes utilities)
6. Lesser of lines 4 or 5	\$750	
7. Yields Monthly Need:	\$100	Subtract line 3 from line 6
Rental Assistance	\$4,200	Multiply line 7 by 42 months

Rental Assistance payment amounts are equal to 42 times the difference between the base monthly rent and the lesser of:

- (i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
- (ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

The base monthly rent for the displacement dwelling is the lesser of:

- (i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the City; or
- (ii) Thirty percent (30%) of the displaced person's average, monthly gross household income **if the amount is classified as "low income" by the U. S. Department of Housing and Urban Development's (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs.** (HUD's Survey is shown as **Exhibit A.**) If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or

- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

3. Downpayment Assistance to Tenants Who Choose to Purchase

The displaced household may opt to apply the entire benefit amount for which they are eligible toward the purchase of a replacement unit (Guidelines 49 CFR 24.402(b) and HUD 1378).

Residential tenants, who are otherwise eligible to receive the Rental Assistance Payment described above, may choose to receive a lump sum payment equal to forty-two months of rental subsidy (including Last Resort Housing benefits) to purchase a new home. Displacees who qualify for the 60-month calculation, and who want to convert their rental assistance entitlement to down payment assistance, must purchase a cooperative or mutual housing-type replacement home. If a conventional home is purchased, the rental assistance/down payment assistance payment is converted to a 42-month calculation per the URA.

A displaced household, who chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the downpayment and eligible, incidental costs associated with the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of the City funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household's occupants and income.

D. GENERAL INFORMATION REGARDING THE PAYMENT OF RELOCATION BENEFITS

Claims and supporting documentation for relocation benefits must be filed with the City and City staff no later than 18 months after the date of displacement. The procedure for the preparation and filing of claims, and the processing and delivery of payments, will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;
2. Relocation staff will review all necessary documentation including, but not limited to, income verification, lease documents, move estimates, and escrow material before reaching a determination as to which expenses are eligible for compensation;
3. Required claims forms will be prepared by relocation staff and presented to the claimant for review. Signed claims and supporting documentation will be returned to relocation staff and submitted to the City and City staff;
4. City staff will review and approve claims for payment, or request additional information;
5. The City will issue benefit checks to claimants in the most secure, expeditious manner possible;
6. Final payments to residential displacees will be issued after confirmation that the Project premises have been completely vacated and actual residency at the replacement unit is verified;
7. Receipts of payment and all claims materials will be maintained in the relocation case file.

E. LAST RESORT HOUSING

Based on data derived from the surveys and analyses of the occupants in the Project area and costs of replacement housing resources, it is anticipated that “comparable replacement housing” will not be available as required for the residential tenants. Specifically, for renters, when the computed replacement housing assistance eligibility exceeds \$7,200 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceeds 30% of the person’s average monthly income.

Therefore, if the Project proceeds, the City will authorize sufficient funds to provide housing of last resort. Due to the demonstrated number of available replacement housing resources for all households, as shown above in Section III, the need to develop a replacement housing plan to produce sufficient number of comparable replacement dwellings will not be necessary. Rather, funds will be used to make payments in excess of the monetary limits specified in the statute (\$7,200); hence, satisfying the requirement that “comparable replacement housing” is available.

The City may pay Last Resort Housing payments in installments. Recipients of Last Resort rental assistance, who intend to purchase rather than re-rent replacement housing, will have the right to request a lump sum payment of all benefits in the form of down payment assistance.

F. IMMIGRATION STATUS

Federal legislation (PL105-117) prohibits the payment of relocation assistance benefits under the Uniform Act to any alien not lawfully present in the United States unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the City to negatively affect the alien's spouse, parent or child. However, the City will authorize the payment of relocation assistance benefits to any otherwise eligible residential displacees from non-federally authorized reimbursable funds, and there is no legal presence requirement to receive assistance under the Section 104(d) and State programs.

In order to be eligible to receive non-residential relocation benefits in federally-funded projects, in the case of an unincorporated business, each owner must be either a citizen or national of the United States, or an alien who is lawfully present in the United States. The owner of a sole proprietorship and all owners of a partnership must provide information regarding their lawful presence in the United States, and a for-profit or a non-profit corporation must certify that it is authorized to conduct business within the United States.

Owners of sole proprietorships or partnerships, who are not lawfully present in the United States, or who decline to provide this information, are not eligible for relocation assistance, unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child, any of whom is a citizen or an alien admitted for permanent residence. Relocation benefits would be prorated to reflect the number of owners with certified lawful presence in the United States, however, the City will authorize the payment of relocation assistance benefits to any otherwise eligible business displacee from non-federal funds.

In order to track and account for relocation assistance and benefit payments, City staff will be required to seek immigration status information from each member of the household and from each sole proprietor and/or partner having them self-certify as to their legal status.

G. RELOCATION TAX CONSEQUENCES

In general, relocation payments are not considered income for the purpose of Division 2 of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 et seq.) or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part II (commencing with Section 23001) of Division 2 of Revenue and Taxation Code. The above statement on tax consequences is not intended as tax advice by the City or OPC. Displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

H. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds to relocate the business and the residential households. Services will be provided to ensure that displacement does not result in different or separate treatment of displacees based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the Federal Fair housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination.

V. ADMINISTRATIVE PROVISIONS

A. NOTICES

Each notice, which the City is required to provide to a Project site occupant, shall be personally delivered or sent by certified or registered first-class mail, return receipt requested and documented in the case file. Each notice will be written in plain, understandable language. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

There are four principal notices:

- 1) the General Information Notice,
- 2) Informational Statement,
- 2) the Notice of Relocation Eligibility, and
- 3) the Notice to Vacate.

The General Information Notice (GIN) is intended to provide potential relocatees with a general written description of the City's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights (**Exhibit C**). The GIN is issued as early as is feasible in the initial stages of a Project, preferably, the planning stage.

The Informational Statement is intended to provide potential relocatees with a general written description of the City's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights (**Exhibit B**).

A Notice of Relocation Eligibility (NOE) will be distributed to each relocatee. The NOE to the residential relocatee contains a determination of eligibility for relocation assistance and a computation of a maximum entitlement based on information provided by the affected household and the analysis of comparable replacement properties undertaken by relocation staff. The NOE to the commercial occupants includes a description of the benefits categories for which the business owner is eligible. The NOE will be issued to any eligible permanent displacee once the Project has been approved and Project funding is available for relocation payments.

No lawful occupant will be required to move without having received at least 90 days advance written notice of the earliest date by which the move will be necessary. The vacate notice will either state a specific date as the earliest date by which the occupant may be required to move or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date of the required move. The vacate notice will not be issued to any residential displacee before a comparable replacement dwelling has been made available.

In addition to the three principal notices, City staff will issue timely written notification in the form of a Reminder Notice, which discusses the possible loss of rights and sets the expiration date for the loss of benefits to those persons who:

- 1) are eligible for monetary benefits,

- 2) have moved from the acquired property, and
- 3) have not filed a claim for benefits.

Reminder Notices will be issued periodically throughout the qualification period. An attempt shall be made to make written contact with all non-responsive relocatees no later than within the last six months prior to the filing expiration date.

B. PRIVACY OF RECORDS

All information obtained from displacees is considered confidential and will not be shared without consent of the displacee or the City. Relocation staff will comply with federal and state regulations concerning safeguarding of relocation files and their contents.

C. GRIEVANCE PROCEDURES

A person who is dissatisfied with a determination as to eligibility for benefits, a payment amount, the failure to provide comparable housing, or the City's property management practices may file a Relocation Assistance Appeal Form or any other written form of appeal with the City and have the right of administrative review. The City's appeal policies will follow the standards described in Article 5, Section 6150 et seq., Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Requests for administrative review and informal hearings will be directed to the City for review. All requests for review will receive written responses from the City within three weeks of their receipt. If an informal appeal is denied, appellants will be entitled to file a written request for a formal hearing before an impartial and independent hearing officer.

The appellant does not have to exhaust administrative remedies first; the appeal/grievance can either go directly to HCD or directly to the Court. Any person and/or organization directly affected by the relocation plan may petition the Department of Housing and Community Development (HCD), located at 2020 West El Camino Ave., Sacramento, CA 95833 to review the relocation plan.

More detail concerning the appeals process will be provided upon request. Appellants will retain their appeal rights for up to 18 months following the date of displacement from the Project premises or receipt of final payment for relocation benefits, whichever is later.

D. EVICTION POLICY

Eviction will cause the forfeiture of a displacee's right to relocation assistance or benefits. Relocation records will be documented to reflect the specific circumstances surrounding any eviction action.

Eviction may be undertaken for one, or more of the following reasons:

- (a) Failure to pay rent, except in those cases where the failure to pay is due to the owner's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of discontinuation, or a substantial interruption of services;
- (b) Performance of a dangerous, and/or illegal act in the unit;
- (c) A material breach of the rental agreement, and failure upon notification to correct said breach within 30 days of Notice;
- (d) Maintenance of a nuisance, and failure to abate such nuisance upon notification within a reasonable time following Notice;
- (e) A requirement under State, or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the City.
- (f) A failure to vacate by the end of the 90 Day notice period.

E. CITIZEN PARTICIPATION

As the process for considering the Project moves forward, the City will observe the following protocol:

- 1. Provide affected tenants with full and timely access to documents relevant to the relocation program;
- 2. Encourage meaningful participation in reviewing the Relocation Plan and monitoring the relocation assistance program (all Project occupants will receive a copy of the Relocation Plan);
- 3. Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
- 4. Issue a general advisory notice to each Project occupant concerning the availability of the Plan for public review, as required, 30 days prior to its proposed adoption; and
- 5. Include written or oral comments concerning the Plan as an attachment (**Exhibit D**) when it is forwarded to the City of National City for approval.

F. PROJECTED DATE OF DISPLACEMENT

The City anticipates that date specific Notices to Vacate will not be issued prior to **July 2018**. No occupant will be required to vacate without a minimum of 90 days' notice.

However, an occupant may choose to vacate prior to a vacate notice being issued, once they have received their Notice of Eligibility, and be assured they will receive any relocation assistance to which they may be entitled.

G. ESTIMATED RELOCATION COSTS

The total budget estimate for relocation-related payments for this Project, including a 10% contingency, is \$200,000.

This estimate should not be interpreted as firm, "not to exceed," or actual entitlement costs. The estimate is based on the data obtained through the occupant interviews, current project scope, replacement site availability, moving costs, reestablishment costs and the judgment and experience of the Overland, Pacific & Cutler, LLC staff.

The estimate **does not** include any payments related to property acquisition and/or demolition of improvements. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

If the Project is to be implemented, and circumstances arise that should change either the number of displaced occupants, or the nature of their activity, the City will authorize any additional compensable funds that may need to be appropriated. The City pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project.

EXHIBIT A

HUD INCOME LIMITS – SAN DIEGO COUNTY

The following figures are approved by the U. S. Department of Housing and Urban Development (HUD) for use in the **County of San Diego** to define and determine housing eligibility by income level.

Area Median Income: \$81,800			
Family Size	Extremely Low	Very Low	Low
1 Person	20,450	34,100	54,500
2 Person	23,400	38,950	62,300
3 Person	26,300	43,800	70,100
4 Person	29,200	48,650	77,850
5 Person	31,550	52,550	84,100
6 Person	33,900	56,450	90,350
7 Person	38,060	60,350	96,550
8 Person	42,380	64,250	102,800

Figures are per the Department of Housing and Urban Development (California), **updated in April 26, 2018.**

EXHIBIT B

INFORMATIONAL STATEMENTS

Relocation Assistance Informational Statement For Families and Individuals

(Federal - Section 104(d))

Displacing Agency:
City of National City

Project Name:
302 W. 19th Street

Displacing Agency Representative:



Overland, Pacific & Cutler, Inc.
438 Camino Del Rio South, Suite 213
San Diego, CA 92108
Phone: (619) 688-7980

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment
5. Current Housing Choice Voucher Tenants
6. Qualification For And Filing Of Relocation Claims
7. Rental Agreement
8. Evictions
9. Appeal Procedures – Grievance
10. Tax Status of Relocation Benefits
11. Lawful Presence Requirement
12. Non-Discrimination and Fair Housing
13. Additional Information And Assistance Available

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

Informational Statement for Families and Individuals

(Federal – Section 104(d))

1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using federal funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the federal law. You will need to provide adequate and timely information to determine your relocation benefits. The information is voluntary, but if you don't provide it, you may not receive the benefits or it may take longer to pay you. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

This brochure describes the relocation payments and other relocation assistance provided under **section 104(d) of the Housing and Community Development Act of 1974** (section 104(d)) to eligible persons displaced from their homes. Persons eligible for assistance have the option of declining the section 104(d) assistance and receiving assistance under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)**, if they decide that it is in their best interest.

To be eligible for relocation assistance under section 104(d), you must be a **lower-income person** (family or individual) and must move as a direct result of the "**conversion**" or **demolition** of your dwelling unit for a project in which Federal Community Development Block Grant (CDBG), Section 108 Loan Guarantee, or HOME Investment Partnerships funds are used.

"Lower-income" means that your income does not exceed 80% of the median income for the area as established by the U.S. Department of Housing and Urban Development (HUD).

Generally, "conversion" means that before the project, your unit had a "market rent" at or below the HUD Fair Market Rent (FMR) standard, and, after the project, the market rent exceeds the FMR, or the unit was converted to a nonresidential use. HUD determines the FMRs for use in its programs. The levels vary by metropolitan area and by the size of the unit.

The Displacing Agency will determine whether you qualify as a lower-income person and if your home will be demolished or "converted." If you do not qualify for section 104(d) assistance, you may be eligible for relocation assistance under the URA.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself. When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both (in some cases); **and**
- Other Moving Expenses depending on program requirements

For example, you may choose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

A. Fixed Moving Payment (Self Move)

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from \$475.00 for one furnished room to \$2,505.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment. If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up and other related moving fees.

Fixed Moving Schedule CALIFORNIA (Effective 2015)	
Occupant Owns Furniture:	
1 room	\$725
2 rooms	\$930
3 rooms	\$1,165
4 rooms	\$1,375
5 rooms	\$1,665
6 rooms	\$1,925
7 rooms	\$2,215
8 rooms	\$2,505
Each additional room	\$265
Occupant does NOT Own Furniture:	
1 room	\$475
Each additional room	\$90

B. Actual Moving Expense (Commercial Move)

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a “mover” scope of services for Displacing Agency approval.

C. **Other Moving Expenses**

Under the Section 104(d) program, payment of a security deposit required to rent a replacement dwelling and any credit check required to rent or purchase a replacement unit are eligible expenses. Also, interim living costs, when required as a result of the planned relocation program are eligible.

4. REPLACEMENT HOUSING PAYMENT

You may be eligible for a payment to assist in renting or purchasing a comparable replacement dwelling. If so, you may choose assistance under section 104(d) or under the URA. For most lower-income tenants, the amount of assistance provided under section 104(d) is greater.

A. **Section 104(d) Rental Assistance**

If you are eligible, you will receive assistance based on estimated needs for a period of 60 months. The Agency may offer you that assistance in cash or under the Housing Choice Voucher (HCV) Program. The Agency will tell you which option it is providing to you.

- **Cash Rental Assistance.** A household's "need" for rental assistance is computed by subtracting the highest of the following calculations from the rent and estimated average monthly utility costs for your new home (or a comparable replacement home, if that cost is lower):
 1. 30 percent of the household's monthly adjusted income,
 2. 10 percent of the household's monthly gross income, or
 3. The welfare rent allowance (where designated).

That monthly need, if any, is multiplied by 60, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.

Example: Let's say that your family's adjusted monthly income is \$600, and the monthly rent and estimated average utility costs for the comparable replacement home to which you move are \$350. In this case, your monthly need would be \$170 [$\$350 - \180 (30 percent of \$600)]. Multiplying this amount by 60 results in \$10,200 of rental assistance.

- **Housing Choice Voucher (HCV) (section 104(d)).** You may be offered a HCV. If so, you will also be referred to comparable replacement homes where the Developer will accept the voucher. If the rent and estimated average monthly utility costs for both the comparable replacement home and the unit to which you relocate exceed the voucher "payment standard," you will qualify for cash assistance to cover the gap for 60 months.

Advantages of HCV Assistance. The HCV assistance may continue for as long as you have a need. Unlike cash assistance, HCV assistance is recomputed each year to reflect changes in your income, rent or the cost of utilities. While cash assistance will terminate at the end of 60 months, HCV assistance may continue to be available after the 60-month period ends if you still qualify as a lower-income person.

B. **URA Rental Assistance**

URA rental assistance is computed by subtracting the "base monthly rent" for your present home from the rent and average monthly cost of utilities for your new home (or a comparable

replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments. Generally, the base monthly rent for your present home is the *lesser* of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30) percent of your gross monthly household income (if you are low-income based on HUD income limits).

Examples: Let's say that the monthly rent and average cost for utilities for your present home are \$250; the monthly rent and estimated average utility costs for a comparable replacement home are \$350; and your monthly gross income is \$700. In this case, your "base monthly rent" would be \$210 because you are low-income and that amount (30 percent of your income) is less than the monthly cost of rent and utilities at your present home (\$250).

- If you rent a replacement home for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the cost for a comparable replacement home (\$350)).
- If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the "base monthly rent" for your present home (\$210) and the actual cost of your new home (\$310)).

C. **Purchase Assistance**

If you buy, rather than rent, a replacement home, you may be eligible for assistance to make a down payment. The amount depends on the type of housing that you buy. Section 104(d) purchase assistance is limited to mutual housing and cooperative housing. If you wish to purchase a house that is not mutual or cooperative housing, your purchase assistance would be provided under the URA.

Section 104(d) Purchase Assistance.

If you buy a replacement home which is mutual or cooperative housing, you may be eligible for assistance based on the present value of the monthly payments you would receive if you rented a comparable replacement home for 60 months. Remember, the monthly payment is generally determined by subtracting 30 percent of your adjusted income from the monthly rent and estimated average monthly utility costs for a comparable replacement home.

Example: Assuming the information in the prior section 104(d) example and a 4 percent return on passbook savings, the purchase assistance would be \$9,231. Remember, your net monthly contribution is \$180, and the monthly rent and estimated average monthly cost of utilities for a comparable replacement home total \$350. The monthly difference is \$170. The present value of 60 monthly payments of \$170, discounted at 4 percent, is \$9,231. The full amount of the payment must be applied to the purchase of the mutual or cooperative housing that you buy.

URA Purchase Assistance for Renters.

URA assistance to make a down payment is equal to the amount you would receive if you had rented a comparable replacement home (42 times the amount obtained by subtracting the "base monthly rent" for your present home from the monthly rent and estimated average monthly cost of

utilities for a comparable replacement home). Remember, URA assistance is not limited to mutual housing or cooperatives.

Example: Assuming the information in the prior URA examples, the assistance for a down payment would be \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the monthly rent and estimated average monthly utility costs for a comparable replacement home (\$350)). The full amount of the payment must be applied to the purchase of your new home.

5. CURRENT HOUSING CHOICE VOUCHER TENANTS

If you are currently using a Housing Choice Voucher (HCV), when you do move, you may be eligible to transfer your HCV eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits. If the rent and estimated average monthly utility costs for both the comparable replacement home and the unit to which you relocate exceed the voucher "payment standard," you will qualify for cash assistance to cover the gap based on the assistance option chosen (URA or Section 104(d)).

6. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following:**

- For a tenant, the date you move from the displacement dwelling.
- For an Developer-occupant, the latter of:
 - a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court; **or**
 - b. The date the Displacing Agency fulfills its obligation to make available comparable replacement dwellings.

All claims for relocation benefits must be filed with the Displacing Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date, on which you move, whichever is later.

7. RENTAL AGREEMENT

As a result of the Displacing Agency's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

8. EVICTIONS

Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of initiation of negotiations, is presumed to be entitled to relocation benefits, unless the Displacing Agency determines that:

- The person received an eviction notice prior to the initiation of negotiations and, as a result, was

- later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease; and
- The eviction was not undertaken for the purpose of evading relocation assistance regulations.

Except for the causes of eviction set forth above, no person lawfully occupying property to be purchased by the Displacing Agency will be required to move without having been provided with at least 90 days written notice from the Displacing Agency.

9. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the Displacing Agency's Relocation Assistance Program may have the appeal application reviewed by the Displacing Agency in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

10. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)

11. LAWFUL PRESENCE REQUIREMENT

In order to be eligible to receive relocation benefits in federally-funded relocation projects under URA, all members of the household to be displaced must provide information regarding their lawful presence in the United States. Any member of the household who is not lawfully present in the United States or declines to provide this information may be denied relocation benefits, unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child, any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Displacing Agency to negatively affect the alien's spouse, parent or child. Relocation benefits will be prorated to reflect the number of household members with certified lawful presence in the US. (Section 104(d) is not subject to this requirement.)

12. NON-DISCRIMINATION AND FAIR HOUSING

No person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Displacing Agency's relocation assistance program pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and other applicable state and federal anti-discrimination and fair housing laws. You may file a complaint if you believe you have been subjected to discrimination. For details contact the Displacing Agency.

13. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative at Overland, Pacific & Cutler.

**Relocation Assistance
Informational Statement
For Business, Farm & Nonprofit**

(Federal)

Displacing Agency:

City of National City

Project Name:

302 W. 19th Street

Displacing Agency Representative:

**Overland, Pacific & Cutler, LLC
438 Camino Del Rio South Suite 213
San Diego CA 92108
Phone: 619-688-7980**

Spanish speaking agents are available. Si necesita esta información en español, por favor llame a su agente.

Informational Statement for Business, Farm & Non-Profit

(Federal)

Introduction

The property on which you now conduct your business is in an area to be improved by, or financed through, the Displacing Agency using federal funds. If and when the project proceeds, and it is necessary for you to move your business, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the law. You will need to provide adequate and timely information to determine your relocation benefits. The information is voluntary, but if you don't provide it, you may not receive the benefits or it may take longer to pay you. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, LLC (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE THE PROPERTY. However, if you desire to move sooner than required, you must contact your relocation agent at Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

Summary of Available Relocation Assistance:

- A.** Advisory assistance to explain the relocation process, the related eligibility requirements, the procedures for obtaining reimbursement for moving expenses and referrals to suitable replacement locations
- B.** Payment for your moving expenses. You may receive one of the following options:
 - Option 1: A Payment for Actual Reasonable Moving and Related Expenses; or**
 - Option 2: A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses**
- C.** Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

If you disagree with the Displacing Agency's decision as to your right to a relocation payment, or the amount of the payment, you may appeal that decision.

GENERAL RELOCATION QUESTIONS

1. How Will I Know I Am Eligible for Relocation Assistance?

Ordinarily, eligibility begins on the date the owner of the property receives the Displacing Agency's initial written offer to purchase the property. Therefore, you should not move before that date or receiving a notice of eligibility. If you do, you may not be eligible for relocation assistance.

2. How Will the Displacing Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by an agent of the Displacing Agency. The interviewer will want to get information about your current operation, as well as identify movable personal property and non-movable improvements, determine your needs and preferences for a replacement location, estimate the time required to vacate the premises and your need for advance payments. During the interview, you may want to discuss other issues relative to your move. It is to your advantage to provide as much information as possible so that the Displacing Agency, through its relocation agent, can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

3. How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find a suitable replacement location and reestablish your business. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Displacing Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

4. I Own the Property. Will I Be Paid for It Before I Have to Move?

If you reach a voluntary agreement to sell your property to the Displacing Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property).

5. Will I Have to Pay Rent to the Displacing Agency Before I Move?

You may be required to pay a fair rent to the Displacing Agency for the period between the acquisition of your property and the date that you move. Your rent and the terms of your tenancy will be generally the same as in the prior arrangement.

6. How Will I Find a Replacement Location?

Your relocation agent will provide you with current and continuing information on available replacement locations that meet your needs. You will also be provided with the names of local real estate agents and brokers who can assist you in finding the type of replacement location you require.

However, you are urged to take an active role in identifying, and relocating to, a location of your choice. No one knows your needs better than you do. You will want a facility that provides sufficient space for your planned activities. You will also want to ensure that there are no zoning or other requirements which will unduly restrict your planned operations. Your relocation agent will explain which kind of moving costs are eligible for reimbursement and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

7. What Other Assistance Will Be Available to Help Me?

In addition to help in finding a suitable replacement location, your relocation agent will help you secure the services of outside specialists, as necessary, to plan the move, as well as provide assistance during the actual move and in the reinstallation of machinery and/or other personal property. The range of services depends on the needs of the business being displaced. You should ask the Displacing Agency's relocation agent to tell you about the specific services that will be available to you.

8. I Have a Replacement Location and Want to Move. What Should I Do?

Before you make any arrangements to move, notify the Displacing Agency's relocation agent, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Displacing Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

9. I Plan to Discontinue My Business Rather than Move. What Should I Do?

If you have decided to discontinue your business rather than reestablish it, you may still be eligible to receive a payment. Contact the Displacing Agency's relocation agent and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

10. What Kinds of Payments for Moving Expenses Will I Receive?

Every business is eligible for a relocation payment to cover the reasonable cost of moving. Assuming you meet certain eligibility criteria, you may choose one of the following options:

Option 1: A Payment for Actual Reasonable Moving and Related Expenses; or

Option 2: A Fixed Payment In Lieu of Moving and Related Expenses

These payment options are described below:

Option 1: Payment for Actual Reasonable Moving and Related Expenses

If you choose a Payment for Actual Reasonable Moving and Related Expenses, you may claim the cost of:

1. Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Displacing Agency determines that relocation beyond 50 miles is justified.
2. Packing, crating, unpacking, and uncrating of the personal property.

3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and certain substitute personal property. This includes connection to utilities available within the building. It also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
4. Storage of the personal property determined to be necessary by the Displacing Agency, not to exceed 12 months, unless the Displacing Agency determines that a longer period is warranted.
5. Insurance for the replacement value of the personal property in connection with the move and necessary storage.
6. The replacement value of property lost, stolen or damaged in the process of moving (not through fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.
7. Any license, permit, fees or certification required of your business at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
8. Reasonable and preauthorized professional services, the Displacing Agency determines to be necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.
9. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
10. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing your business. The payment will consist of the lesser of:
 - (i) The fair market value in place of the item, as is for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, you must make a good faith effort to sell the personal property, unless the Displacing Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value will be based on the cost of the goods to the business, not the potential selling price.); or
 - (ii) The estimated cost of moving the item as is, but with no allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If you elect to discontinue your business, the estimated cost will be based on a moving distance of 50 miles.)
11. Purchase of substitute personal property. If an item of personal property which is used as part of your business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:

- (i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - (ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Displacing Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
- 12. The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- 13. Searching for a replacement location. Your business is entitled to reimbursement for actual expenses, not to exceed \$2,500 as the Displacing Agency determines to be reasonable, which are incurred in searching for a replacement location including:
 - i) Transportation
 - ii) Meals and lodging away from home.
 - iii) Time spent searching, based on reasonable salary or earnings.
 - iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.
 - v) Time spent in obtaining permits and attending zoning hearings; and
 - vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
- 14. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Displacing Agency, the allowable moving cost payment shall not exceed the lesser of: the amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location.
- 15. Other related moving expenses as the Displacing Agency determines to be reasonable and necessary, including:
 - i) Connection to available nearby utilities from the right-of-way to improvements at the replacement site;
 - ii) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for your business operation, including but not limited to soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the Displacing Agency's discretion, a reasonable pre-approved hourly rate may be established
 - iii) Impact fees or one-time assessments for anticipated heavy utility usage, as determined by the Displacing Agency.

The Displacing Agency's relocation agent will explain all eligible moving costs, as well as, those which are not eligible. You must be able to account for all costs that you incur, so keep all your receipts. The Displacing Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Displacing Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Displacing Agency

cannot agree on an acceptable amount to cover the cost of the self-move, you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Agency or, if you prefer, you may have the Displacing Agency pay the mover directly. In either case, let the Displacing Agency's relocation agent know before you move. The Displacing Agency agent can help you select a reliable and reputable mover.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item may be based on the lowest acceptable bid or estimate obtained by the Displacing Agency. If not sold or traded-in, the item must remain at the old location and ownership of the item must be transferred to the Displacing Agency before you may receive the payment.

In addition to the reimbursable expenses described above, a small business, farm or non-profit organization may be eligible to receive a payment of up to \$25,000 for expenses actually incurred in relocating and reestablishing its operation at a replacement site. Eligible expenses must be reasonable and necessary, as determined by the Displacing Agency. They may include but are not limited to the following:

1. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and Installation costs for exterior signage to advertise the business.
4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
5. Advertising of replacement location.
6. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
 - a. Lease or rental charges
 - b. Personal or real property taxes
 - c. Insurance premiums, and
 - d. Utility charges (excluding Impact fees)
7. Other items that the Displacing Agency considers essential to the reestablishment of the business.

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- Purchase of capital assets, such as, office furniture, filing cabinets, and machinery or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

- Interest costs associated with any relocation expense or the purchase of replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

Option 2: Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses

A displaced business, non-profit organization or farm may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment may not be less than \$1,000.00 or more than \$40,000.00. For a business or farm, the payment is based on the average annual net earnings before Federal, State and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. For a non-profit organization, the payment is based on the average of 2 years annual gross revenues less administrative expenses.

In order to qualify for this payment, the Displacing Agency must determine that:

1. The business owns or rents personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.
2. The business cannot be relocated without a substantial loss of existing patronage (clientele or net earnings).
3. The business is not a part of a commercial enterprise having more than three other entities which are not being acquired by the Displacing Agency, and which are engaged in the same or similar business activities.
4. The business is not operated at the displacement dwelling/site solely for the purpose of renting such dwelling/site to others.
5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

If the business or farm was not in operation for the full two years prior to displacement, the net earnings are based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Displacing Agency determines it to be more equitable. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. Proof of net earnings must be furnished to the Displacing Agency through income tax returns, certified financial statements, or other reasonable evidence which the Displacing Agency determines is satisfactory.

For a qualified non-profit organization, gross earnings may include membership fees, class fees, cash donations, tithes and receipts from sales or other forms of fund collection that enables the non-profit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the non-profit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

The Displacing Agency will inform you as to your eligibility for this payment option and the documentation you must submit to support your claim. Remember, when you elect to take this payment option you are not entitled to reimbursement for any other moving expenses, i.e. **Option A** described above.

11. I Own an Outdoor Advertising Display. What Relocation Payment Will I Receive?

As the owner of an outdoor advertising display, you are eligible for a Relocation Payment For Actual Reasonable Moving and Related Expenses. You are not eligible to receive a Payment In Lieu of a Payment For Actual Reasonable Moving and Related Expenses.

If you choose not to relocate or replace the sign, the payment for "direct loss of personal property" would be the lesser of: (1) the depreciated reproduction cost of the sign, as estimated by the Displacing Agency, less the proceeds from its sale, or (2) the estimated cost of moving the sign without temporary storage. The Displacing Agency will inform you as to the exact costs that may be reimbursed.

12. How do I Receive a Relocation Payment?

You must file a claim for a relocation payment. The Displacing Agency's relocation agent will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments. If you must pay any relocation expenses before you move (e.g., because you must provide a security deposit if you lease your new location), discuss your financial needs with the Displacing Agency. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Displacing Agency may extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

13. Non-Discrimination

No person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Displacing Agency's relocation assistance program pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and other applicable state and federal anti-discrimination laws. You may file a complaint if you believe you have been subjected to discrimination. For details contact the Displacing Agency.

14. Appeals

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the Displacing Agency's Relocation Assistance Program may have the appeal application reviewed

by the Displacing Agency in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

15. Tax Status of Relocation Benefits

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)

16. Lawful Presence Requirement

Pursuant to the Public Law 105-117, in order to be eligible to receive non-residential relocation benefits in federally-funded projects, in the case of an unincorporated business, each owner must be either a citizen or national of the United States, or an alien who is lawfully present in the United States. The owner of a sole proprietorship and all owners of a partnership must provide information regarding their lawful presence in the United States, and a for-profit or a non-profit corporation must certify that it is authorized to conduct business within the United States. Owners of sole proprietorships or partnerships, who are not lawfully present in the United States, or who decline to provide this information, are not eligible for relocation assistance, unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child, any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Displacing Agency to negatively affect the alien's spouse, parent or child. Relocation benefits will be prorated to reflect the number of owners with certified lawful presence in the United States.

17. Additional Information

If you have further questions after reading this brochure, please contact the Displacing Agency's relocation agent at **Overland, Pacific & Cutler, LLC**.

EXHIBIT C

GENERAL INFORMATION NOTICES

General Information Notice – Residential

Date

<<NAMES>> and All Other Occupants

<<ADDRESS>>

National City, CA 91950

Dear Occupants:

The City of National City (called here the "City") is interested in acquiring the property you currently occupy at <<ADDRESS>> for the proposed **302 W. 19th Street (Project)**. This notice is to inform you of your rights under Federal and State law.

If the City acquires the property, you will be required to permanently relocate in the future, and you may be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, Section 104(d) of the Housing and Community Development Act of 1974, as amended and Title 25 of the California Code of Regulations.

However, you do not have to move now.

This is not a notice to vacate the premises or a notice of relocation eligibility.

The City has retained the professional firm of **Overland, Pacific & Cutler, LLC** (OPC) to represent the City and assist you in the relocation process.

In order to assess and better plan for your relocation needs, OPC staff will need to meet with you to collect information about your household and to provide you with information regarding the relocation assistance that will be available to you. **Please contact the relocation agent below as soon as possible to make an appointment for the agent to meet with you in your home.**

Ada Fernandez at (619) 688-7980

You should continue to pay your monthly rent to your landlord, because failure to pay rent and meet your obligations as a tenant may be cause for eviction and loss of relocation assistance. You are urged not to move or sign any agreement to purchase or lease a unit before receiving formal notice of eligibility for relocation assistance. **If you move or are evicted before receiving such notice, you will not be eligible to receive relocation assistance.** Please contact us before you make any moving plans.

If the City requires you to move from the property and you are eligible for relocation assistance, you will be given advisory services, including referrals to replacement housing, and at least 90 days advance written notice of the date you will be required to move. You would also receive a payment for moving expenses and may be eligible for financial assistance to help you rent or buy a replacement dwelling.

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the City's Relocation Assistance Program may have the appeal application reviewed by the City in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the City.

Note that pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States. However, there is no lawful presence requirement to be eligible for assistance under the Section 104(d) program or the State relocation program.

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance.

When the relocation agent meets with you, you will be given a list of documents you need to provide to the agent in order to establish your eligibility for relocation assistance for the various relocation programs available to you and to assist us in calculating your financial benefits. It is very important that you provide the documentation requested in order to qualify for the most amount of relocation assistance possible.

If you have any questions about this or any other relocation issues, please contact your relocation agent Ada Fernandez at 619-688-7980. Again, it is very important that we meet with you as soon as possible to begin establishing your eligibility for relocation assistance.

Sincerely,

Daniel Furr
Project Manager
Overland Pacific & Cutler, LLC
438 Camino Del Rio South Suite 2013
San Diego, CA 92108

Received by

Delivered on/by: ____/____

X_____
Recipient's Signature

Posted on/by: ____/____

Date

Mailed/receipt received on: ____/____

General Information Notice – Non-Residential

Date

<<NAMES>>

<<ADDRESS>>

National City, CA 91950

Dear <<NAMES>>:

The City of National City (called here the "City") is interested in acquiring the property you currently occupy at <<Address>> for the proposed **302 W. 19th Street (Project)**. This notice is to inform you of your rights under Federal and State law.

If the City acquires the property, you will be required to permanently relocate in the future, and you may be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended and Title 25 of the California Code of Regulations.

However, you do not have to move now.

This is not a notice to vacate the premises or a notice of relocation eligibility.

The City has retained the professional firm of **Overland, Pacific & Cutler, LLC (OPC)** to represent the City and assist you in the relocation process.

In order to assess and better plan for your relocation needs, OPC staff will need to meet with you to collect information about your business and to provide you with information regarding the relocation assistance that will be available to you. **Please contact the relocation agent below as soon as possible to make an appointment for the agent to meet with you at your business.**

Ada Fernandez at (619) 688-7980

You should continue to pay your monthly rent to your landlord, because failure to pay rent and meet your obligations as a tenant may be cause for eviction and loss of relocation assistance. You are urged not to move or sign any agreement to purchase or lease a unit before receiving formal notice of eligibility for relocation assistance. **If you move or are evicted before receiving such notice, you will not be eligible to receive relocation assistance.** Please contact us before you make any moving plans.

You will be given advisory services, including referrals to replacement sites, and at least 90 days advance written notice of the date you will be required to move. You would also receive either a payment for actual moving and reestablishment expenses, or, a fixed payment in lieu of a payment for actual moving and reestablishment expenses.

Pursuant to the Public Law 105-117, in order to be eligible to receive non-residential relocation benefits in federally-funded projects, in the case of an unincorporated business, each owner must be either a citizen or national of the United States, or an alien who is lawfully present in the United States. The owner of a sole proprietorship and all owners of a partnership must provide information

regarding their lawful presence in the United States, and a for-profit or a non-profit corporation must certify that it is authorized to conduct business within the United States. Owners of sole proprietorships or partnerships, who are not lawfully present in the United States, or who decline to provide this information, are not eligible for relocation assistance, unless such eligibility would result in exceptional hardship to a qualifying spouse, parent, or child. Relocation benefits will be prorated to reflect the number of owners with certified lawful presence in the United States.

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance. If the City decides not to move forward with the project, you will be notified in writing.

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the City's Relocation Assistance Program may have the appeal application reviewed by the City in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the City.

If you have any questions about this or any other relocation issues, please contact the relocation agent listed on the previous page. Again, it is very important that we meet with you as soon as possible to begin establishing your eligibility for relocation assistance.

Sincerely,

Daniel Furr
Project Manager
Overland Pacific & Cutler, LLC
438 Camino Del Rio South Suite 2013
San Diego, CA 92108

Received by

Delivered on/by: ____/____

X_____
Recipient's Signature

Posted on/by: ____/____

Date

Mailed/receipt received on: ____/____

EXHIBIT D

PUBLIC COMMENTS & RESPONSES

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City amending City Council Policy No. 707, entitled Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards, related to winery tasting room standards. (Applica

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City amending City Council Policy No. 707, entitled Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards, related to winery tasting room standards. (Applicant City-Initiated Land Use Amendment) (Case File 2018-09 A)

PREPARED BY: [Martin Reeder, AICP]



DEPARTMENT: [Planning]

PHONE: 619-336-4313

APPROVED BY: 

EXPLANATION:

Four policies contained in City Policy 707 (Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards) were modified or added during the previous amendment related to brewery tasting rooms in 2017. However, changes to the Policy would be necessary in order to apply to wine tasting rooms.

The changes were prepared and considered by the Planning Commission on June 18, 2018. The attached Background report describes the changes in detail.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Not a project per CEQA

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☒

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and recommends that the changes City Council Policy 707 be adopted.

BOARD / COMMISSION RECOMMENDATION:

[The Planning Commission recommended approval of the changes to City Council Policy 707.
Ayes: Baca, Flores, Garcia, Sendt, Quintero, Yamane Absent: DelaPaz]

ATTACHMENTS:

1. Background Report
2. City Council Policy 707
3. Proposed Policy changes
4. Resolution

BACKGROUND REPORT

Staff Recommendation

Staff supports the proposed policy changes included in this staff report. Staff recommends that the City Council approve the amendments as suggested.

This item is related to changes to City Council Policy 707. A companion to this item discusses changes to Title 18 of the National City Municipal Code.

History

The City Council approved an amendment in late 2017 that allowed craft beer tasting rooms without a Conditional Use Permit (CUP) in the Industrial and Mixed-Use zones. The amendment also removed the distance requirements from schools for tasting rooms. While wine tasting rooms were brought up in discussion during the public hearing process, they were not included in the original application request and thus were not acted upon at that time.

Earlier this year the City Council directed staff to prepare a report to consider allowing wine tasting rooms in the City similar to the craft beer tasting rooms. In addition there has been interest from a number of parties in opening a wine tasting room in the City.

A companion to this item is proposing changes to Title 18 of the Municipal Code, including allowing winery tasting rooms by right in the Industrial and Mixed-Use zones. Staff is supportive of allowing wine tasting rooms as a permitted use (by right), as with brewery tasting rooms if they comply with City Council Policy 707, which acts as *de facto* conditions of approval for tasting rooms.

The following four policies contained in City Policy 707 (Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards) were modified or added during the previous amendment:

17. *(brewery tasting rooms)* The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. *(brewery tasting rooms)* Sales of sealed containers (commonly known as growlers) for off-site consumption of the beer produced by the master licensee may be sold and/or consumed at this location.

ATTACHMENT 1

19. *(brewery tasting rooms)* Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. *(brewery tasting rooms)* With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

Changes to the Policy would be necessary in order to apply to wine tasting rooms, which are proposed as follows (**changes noted in bold**):

17. ~~*(brewery Tasting rooms)*~~ The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. ~~*(brewery Tasting rooms)*~~ Sales of sealed **bottles or** containers (commonly known as growlers) for off-site consumption of the **product manufactured** ~~beer produced~~ by the master licensee may be sold and/or consumed at this location.
19. ~~*(brewery Tasting rooms)*~~ Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. ~~*(brewery Tasting rooms)*~~ With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

With the exception of removing the specificity of "brewery" tasting rooms, the only other change is to include bottles to the products for sale as well as the previous "sealed containers".

Planning Commission

While changes to City Council Policies are under the purview of the City Council, staff asked the Planning Commission to make a recommendation on the proposed changes. The Planning Commission held a public hearing on the companion Code amendments

at their meeting of June 18, 2018, which included discussion of the proposed changes to Policy 707. As part of their recommendation to approve the associated Code amendments, the Planning Commission also made a recommendation that the City Council approve the proposed policy changes.

Summary

The proposed policy changes will allow flexibility in the operation of tasting rooms. The Council policy changes will also make the City more welcoming to the expanding craft alcohol industry, of which the City Council and Planning Commission have shown support.

Options

1. Approve the changes to City Council Policy 707, policies 17 through 20, as suggested by staff; or
2. Deny the changes to City Council Policy 707; or,
3. Continue the item to a specific date.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

**POLICY
NUMBER** 707

ADOPTED: November 12, 1991

**AMENDED OR
REVISED:** December 19, 2017

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

Page 2 of 5

Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

CITY OF NATIONAL CITY

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

Page 3 of 5

7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part -

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

Page 4 of 5

- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(brewery tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(brewery tasting rooms)** Sales of sealed containers (commonly known as growlers) for off-site consumption of the beer produced by the master licensee may be sold and/or consumed at this location.
19. **(brewery tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(brewery tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

CITY OF NATIONAL CITY

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

**POLICY
NUMBER 707**

ADOPTED: November 12, 1991

**AMENDED OR
REVISED:** December 19, 2017

Page 5 of 5

The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.

Proposed Policy changes

17. (~~brewery~~ *Tasting rooms*) The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. (~~brewery~~ *Tasting rooms*) Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured ~~beer-produced~~ by the master licensee may be sold and/or consumed at this location.
19. (~~brewery~~ *Tasting rooms*) Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. (~~brewery~~ *Tasting rooms*) With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City reciting the fact of the Special Municipal Election held on Tuesday, June 5, 2018, declaring the result and such other matters as provided by law. (City Clerk)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City reciting the fact of the Special Municipal Election held on Tuesday, June 5, 2018, declaring the result and such other matters as provided by law. (City Clerk)

PREPARED BY: Michael R. Dalla

DEPARTMENT: City Clerk

PHONE: 619-336-4226

APPROVED BY: 

EXPLANATION:

Once the County has canvassed the election and provided an "Official Canvass" of the returns to the City Clerk, the City Council must meet and adopt a Resolution to "Declare Results" pursuant to California Election Code 15400, incorporating the "Official Canvass" into the Resolution as "Exhibit A".

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Resolution.
Certified "Official Canvass" from the Registrar of Voters.

The following page(s) contain the backup material for Agenda Item: Temporary Use Permit – 2nd Annual Bayside Brew and Spirits Festival sponsored by the National City Chamber of Commerce at Pepper Park on September 29, 2018 with a request for waiver of fees. (Neighborhood Services)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Temporary Use Permit – 2nd Annual Bayside Brew and Spirits Festival sponsored by the National City Chamber of Commerce at Pepper Park on September 29, 2018 with a request for waiver of fees.

PREPARED BY: [Dionisia Trejo]

DEPARTMENT: Neighborhood Services Department

PHONE: [(619) 336-4255]

APPROVED BY: 

EXPLANATION:

This is a request from the National City Chamber of Commerce to conduct the 2nd Annual Bayside Brew and Spirits Festival on September 29, 2018 from 12 p.m. to 5 p.m. This event is being held at Pepper Park which requires a Port of San Diego large event permit. In accordance with the Unified Port of San Diego permit process, any event which could require Police or Fire services at Pepper Park must also process with the City of National City's designated departments to determine if permits are warranted and if fees apply. This process is to ensure that National City Police and Fire services are aware of large events planned at Pepper Park and that proper review for public safety is conducted.

The 2nd Annual Bayside Brew and Spirits Festival will host over forty local San Diego and Baja California micro breweries, ten spirits brand, ten food vendors and live entertainment. Proceeds from the festival will benefit A Reason to survive (ARTS), a National City non-profit organization helping youth realize their full potential through the arts and creative expression. Applicant will provide private security for the event.

Note: This event was approved by Council in 2017 with \$500 waiver.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

City fee of \$237 for processing the TUP, plus \$(pending) for the National City Fire Department Inspection fees, and \$(pending) for Police Department.
Total fees \$(pending)

ENVIRONMENTAL REVIEW:

[N/A]

ORDINANCE: INTRODUCTION: ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

BOARD / COMMISSION RECOMMENDATION:

[N/A]

ATTACHMENTS:

[Application for a Temporary Use Permit with recommended approvals and conditions.]



City of National City ■ Neighborhood Services Department
1243 National City Boulevard ■ National City, CA 91950
(619) 336-4364 ■ fax (619) 336-4217
www.nationalcityca.gov

Special Event Application

Type of Event

- ☒ Fair/Festival ☐ Parade/March ☐ Walk or Run ☐ Concert/Performance
☐ TUP ☐ Sporting Event ☐ Other (specify) _____

Event Name & Location

Event Title 2nd Annual Bayside Brew and Spirits Festival

Event Location (list all sites being requested) Pepper Park, 3299 Tidelands Ave, National City, CA 91950

Event Times

Set-Up Starts
Date 9/29/18 Time 6:00am Day of Week Saturday

Event Starts
Date 9/29/18 Time 12:00 pm Day of Week Saturday

Event Ends
Date 9/29/18 Time 5:00pm Day of Week Saturday

Breakdown Ends
Date 9/29/18 Time 9:00pm Day of Week Saturday



Applicant Information

Applicant (Your name) Jacqueline Reynoso Sponsoring Organization National City Chamber of

Event Coordinator (if different from applicant) _____

Mailing Address 901 National City Blvd., National City, CA 91950

Day Phone 619-477-9339 After Hours Phone 619-477-9339 Cell 619-890-6614 Fax _____

Public Information Phone 619-477-9339 E-mail info@baysidebrewfest.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: [Signature] Date 6/28/2018

Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes ☒ No ☐

Are admission, entry, vendor or participant fees required? Yes ☒ No ☐

If YES, please explain the purpose and provide amount (\$):

\$35 Admission, \$75 VIP Admission, \$20 Parking, \$100/\$250/\$600 Vendor Booths. Sponsorships

ranging from \$1000 to \$30000. Will cover event expenses and brewer attraction. Ticket proceeds partially benefit ARTS.

\$ 55,000.00 Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 50,000.00 Estimated Expenses for this event.

\$ 5,000.00 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

Description of Event

☐ First time event ☒ Returning Event ☒ include site map with application

Note that this description may be published in our City Public Special Events Calendar:

A beer & music festival highlighting the unique culture of National City. We believe that bringing

more micro-breweries and beer tasting rooms is a perfect fit. This is an annual event highlighting

the city, the culture, and it's growing brewery and tasting room industry. The festival hosts over 40

local San Diego and Baja California micro breweries, 10 spirits brands, and 10 food trucks/vendors,

with different artists/bands playing throughout the day.

Estimated Attendance

Anticipated # of Participants: 40 Anticipated # of Spectators: 1,200

Traffic Control, Security, First Aid and Accessibility

Requesting to close street(s) to vehicular traffic? Yes ☐ No ☒

List any streets requiring closure as a result of the event (provide map): _____

Date and time of street closure: _____ Date and time of street reopening: _____

☐ Other (explain) _____

Requesting to post "no parking" notices? Yes ☒ No ☐

☒ Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):
Pepper Park Vehicle Parking

☐ Other (explain) _____

Security and Crowd Control

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: Inter City Public Safety
will provide private event security as follows: Vendor loading: 2 Agents, 8am-11am

Parking/Traffic Control: 4 Agents (2 posted at roundabout, 1 at Harbor Lot, 1 at Union lot), 8am-9pm

Have you hired Professional Security to handle security arrangements for this event?

Yes ☒ No ☐ If YES, name and address of Security Organization Inter City Public Safety

Security Director (Name): Victor Gonzalez Phone: (866) 464-2771

If using the services of a professional security firm AND the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the City's Risk Manager for review and approval prior to the event.

Is this a night event? Yes ☐ No ☒ If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: _____

First Aid

Depending on the number of participants, your event may require specific First Aid services.

First aid station to be staffed by event staff? Yes ☐ No ☒ First aid/CPR certified? Yes ☐ No ☒

☒ First aid station to be staffed by professional company. ▶ Company American Medical Response

Accessibility

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Pepper Park is ADA Accessible, including ADA parking and ramps.

Elements of your Event

Setting up a stage? Yes ☒ No ☐

☐ Requesting City's PA system

☐ Requesting City Stage; if yes, which size? ☐ Dimensions (13x28) ☐ Dimensions (20x28)

☒ Applicant providing own stage ▶ 24" X 16" (Dimensions)

Setting up canopies or tents?

1 # of canopies size 20" X 20"

40 # of tents size 10" X 10"

☐ No canopies/tents being set up

Setting up tables and chairs?

☒ Furnished by Applicant or Contractor

60 # of tables ☐ No tables being set up

100 # of chairs ☐ No chairs being set up

☐ (For City Use Only) Sponsored Events – Does not apply to co-sponsored events

 # of tables ☐ No tables being set up

 # of chairs ☐ No chairs being set up

Contractor Name Patty's Party Rentals

Contractor Contact Information 2601 Hoover Ave, Ste A-B National City, CA 619-336-0467
Address City/State Phone Number

Setting up other equipment?

☐ Sporting Equipment (explain) _____

☒ Other (explain) Bike rack barricades and 8ft fencing

☐ Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes ☒ No ☐

☒ PA System for announcements ☒ CD player or DJ music

☒ Live Music ➤ ☒ Small 4-5 piece live band ➤ ☐ Large 6+ piece live band

☐ Other (explain) _____

If using live music or a DJ. ➤ Contractor Name Refugio Music

➤ 1633 Hoover Ave National City, CA 239-247-9454
Address City/State Phone Number

Using lighting equipment at your event? Yes ☐ No ☒

☐ Bringing in own lighting equipment

☐ Using professional lighting company ➤ Company Name _____

Address City/State Phone Number

Using electrical power? Yes ☒ No ☐

☐ Using on-site electricity ☐ For sound and/or lighting ☐ For food and/or refrigeration

☒ Bringing in generator(s) ☒ For sound and/or lighting ☒ For food and/or refrigeration

Vendor Information

PLEASE NOTE: You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes ☒ No ☐

☒ Vendors preparing food on-site ➤ # 4 ➤ Business License # List attached

If yes, please describe how food will be served and/or prepared: Description attached

If you intend to cook food in the event area please specify the method:

☒ GAS ☒ ELECTRIC ☒ CHARCOAL ☐ OTHER (Specify): _____

☐ Vendors bringing pre-packaged food ➤ # _____ ➤ Business License # _____

☒ Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ➤ # 4

☒ Vendors selling food # 4 ➤ Business License #(s) _____

☒ Vendors selling merchandise # 4 ➤ Business License #(s) _____

☐ Food/beverages to be handled by organization; no outside vendors

☒ Vendors selling services # 2 ▶ Business License #(s) _____

▶ Explain services Resorts/Vacations

☒ Vendors passing out information only (no business license needed) # 38

▶ Explain type(s) of information 27 Brewers, 4 distilleries, 2 wineries, 8 sponsors

☐ No selling or informational vendors at event

Having children activities? Yes ☐ No ☒

PLEASE NOTE: In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. There is a \$25 fee to process the permit application. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

☐ Inflatable bouncer house # _____ ☐ Rock climbing wall Height _____

☐ Inflatable bouncer slide # _____ ☒ Arts & crafts (i.e., craft making, face painting, etc.)

☐ Other _____

Having fireworks or aerial display? Yes ☐ No ☒

☐ Vendor name and license # _____

Dimensions _____ Duration _____

Number of shells _____ Max. size _____

PLEASE NOTE: In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$502.00

Arranging for media coverage? Yes ☒ No ☐

☒ Yes, but media will not require special set-up

☐ Yes, media will require special set-up. Describe _____

Event Signage

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes ☒ No ☐

☒ Yes, we will post signage # 35 Dimensions Description attached

☐ Yes, having inflatable signage # ▶ (complete Inflatable Signage Request form)

☐ Yes, we will have banners # 8

☐ What will signs/banners say? Bayside Brew and Spirits Festival, Pepper Park, 12pm-5pm, 9/29/18

☐ How will signs/banners be anchored or mounted? A-frames, Metal stands, yard posts, bungee cords, zip ties

Waste Management

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes ☒ No ☐

if yes, please identify the following:

▶ Total number of portable toilets: 8

▶ Total number of ADA accessible portable toilets: 2

☒ Contracting with portable toilet vendor. ▶ Safiros Sanitations, 619-232-8606

▶ Load-in Day & Time 8:00am

Company Phone
▶ Load-out Day & Time 7:00pm

☒ Portable toilets to be serviced. ▶ Time Throughout event

Set-up, Breakdown, Clean-up

Setting up the day before the event?

☐ Yes, will set up the day before the event. ▶ # of set-up day(s)

☒ No, set-up will occur on the event day

Requesting vehicle access onto the turf?

☐ Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

☒ No, vehicles will load/unload from nearby street or parking lot.

NPDES-Litter Fence

- ☐ City to install litter fence
- ☐ Applicant to install litter fence
- ☒ N/A

Breaking down set-up the day after the event?

- ☐ Yes, breakdown will be the day after the event. ► # of breakdown day(s) _____
- ☒ No, breakdown will occur on the event day.

How are you handling clean-up?

- ☐ Using City crews
- ☒ Using volunteer clean-up crew during and after event.
- ☒ Using professional cleaning company during and after event.

Miscellaneous

Please list anything important about your event not already asked on this application:

Please see event map, security plan, and request to waive event permit and related fees

**Please make a copy of this application for your records.
We do not provide copies.**



Special Events

Pre-Event Storm Water Compliance Checklist

I. Special Event Information

Name of Special Event:	<u>Bayside Brew and Spirits Festival</u>		
Event Address:	<u>Pepper Park, 3299 Tidelands Ave, Nati</u>	Expected # of Attendees:	<u>1,200</u>
Event Host/Coordinator:	<u>National City Chamber of Commerce</u>	Phone Number:	<u>619-477-9339</u>

II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>25</u>	Y		
Will enough recycling bins provided for the event? Provide number of recycle bins: <u>25</u>	Y		
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	Y		
Do all storm drains have screens to temporarily protect trash and debris from entering?	Y		
Are spill cleanup kits readily available at designated spots?	Y		

* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; If not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City
Risk Management Department
1243 National City Boulevard
National City, CA 91950

Organization: National City Chamber of Commerce
Person in Charge of Activity: Jacqueline Reynoso
Address: 901 National City Blvd., National City, CA 91950
Telephone: 619-477-9339 Date(s) of Use: 09-29-2018

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorneys fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: 

Official Title: President/CEO Date: 6/28/2018

For Office Use Only

Certificate of Insurance Approved _____ Date _____



National City Chamber of Commerce
901 National City Blvd.
National City, CA, 91950
Business: (619) 477-9339
Fax: (619) 477-5018
Email: info@nationalcitychamber.org
Website: www.nationalcitychamber.org

June 28, 2018

Honorable Mayor and Council
City of National City
1243 National City Blvd.
National City, CA 91950

To Whom it May Concern:

The National City Chamber of Commerce is honored to host the 2nd Annual Bayside Brew & Spirits Festival at Pepper Park on September 29, 2018. As part of our permit application to the Port of San Diego for use of Pepper Park and Port facilities, the port requires that we obtain a fire permit, TUP, and sign off on our ABC license from the City of National City.

We respectfully request a waiver of fees for this event by the City of National City. We are working hard to deliver a first rate event for the public to enjoy. Together, we are placing National City and the Cali-Baja region on the on the map as an emerging craft beer market. Your continued and additional support helps us sustain a vibrant economy for our residents to enjoy.

ABOUT THE EVENT (Press Release attached)

Title sponsor, the Port of San Diego and event founder, the National City Chamber of Commerce – have partnered with the City of National City and the Consul General of Mexico in San Diego to give participants the opportunity to explore working relationships with breweries and spirit manufacturers on both sides of the U.S.-Mexico Border. The event will also feature wines from Valle de Guadalupe and some of Mexico's finest tequila, mescal and whiskey. Proceeds from the festival will benefit recruitment and promotional efforts to market National City as a desirable location for Brewery investors.

The event is also a reflection of National City's gradual emergence as a multi-cultural destination and residential community just 10 minutes from downtown San Diego. Its affordability and location are increasingly attracting millennials, young entrepreneurs, healthy food eateries and – perhaps most important – developers with a sensitivity to its contemporary tastes and unique urban and multi-cultural tapestry.

One already-clear result of the upcoming event is that it has helped forge stronger ties between the city of National City, the Port of San Diego, the San Diego Tourism Authority, the San Diego Brewers Guild, the South Bay Craft Beer Business Guild, and craft brewers. These ties clearly point toward job creation, increased tourism and boosted tax revenues. Event information may be found at www.baysidebrewfest.com.

Thank you for your consideration and support of our annual events. We appreciate your consideration of our request for a fee waiver.

Sincerely,

Jacqueline L. Reynoso
President/ CEO
National City Chamber of Commerce





Google Maps

September 29, 2018 Parking Map - Pepper Park
3299 Tidelands Ave., National City, CA 91950
60 Reserved Spaces





Brew Fest Signage Sites For Event Promotion

A Frame Signage (Dimension: 35X 20)

1. Wal Greens Marquee (Euclid)
2. Cornerstone Church
3. Cal-Trans/City (805 overpass @ Market/E. Plaza)
4. Mile of Cars – Dealerships and NC Blvd.
5. Pier 32 Marina
6. Pepper Park

City Intersections:

7. NC Blvd & Sweetwater Rd.
8. NC Blvd. & 8th Street
9. NC Blvd. & 24th Street
10. Plaza Blvd. & Euclid Ave.
11. Sweetwater Rd. & 24th Street
12. Main Street and Division St.
13. Division & Euclid Ave.
14. Division & Palm Ave.
15. Division & Highland Ave.
16. Highland & 8th Street
17. Highland & Plaza Blvd
18. Highland & 24th Street
19. Sweetwater & Euclid Ave
20. Marina Way & Bay Marina Drive
21. Exit off of 5 Freeway and Bay Marina Drive
22. Exit off of 5 Freeway and 8th Street
23. Exit off of 805 Freeway and Sweetwater Rd.
24. Exit off of 54 Freeway and Reo Drive

Hanging Banners

25. Goodies Bar & Grill
26. Clarion Hotel (Facing Freeway)
27. U-Haul (Facing Freeway)
28. Fence at Vacant Lot next to Chamber of Commerce along east side of NC Blvd.
29. Pepper Park

Moving Ads

30. MTS (Bus stop signage & decals on vehicles)
31. National City School Marquees
32. Westfield Plaza Bonita Mall
33. Mile of Cars – 3 Freeway Message Boards

**Bayside Brew and Spirits Festival
September 29, 2018
Additional Information / Plans as Requested**

Parking/Transportation Plan

Parking / Traffic Control

6 Agents - 10am-6pm

- 2 posted at roundabout – to direct vendors / food trucks and let attendees know to park on street if they missed the signs along with monitor our ride share drop-off/pick-up which will be at the roundabout. If guests have purchased parking pass they will be allowed into the parking lot.
- One agent at Harbor Meat lot
- One agent at Union Parking Lot
- One Agent at each entrance to Best Western Marina Gateway (2 guards)

Parking

- NCCC requests use of the entire Pepper Park parking lot (60 spaces total) as well as access to Harbor Meat and Union Parking Lots for our event, so that we control who can park there.
- There will be a drop off zone at Pepper Park for Lyft/ Uber/ Ride Share users.
- We are posting "No Event Parking" Signs at both entrances to Best Western Marina Gateway, and placing 1 security guard at each entrance (2 guards)
- We are posting a "No Event Parking" A frame sign at the entrance to Pier 32 Marina/ Waterfront Grille.

Ride Share

- In addition to parking we have partnerships with UBER and LYFT to encourage safe transport to/from the event and will have a drop off at the round-about.

Medical Services Plan

NCCC has retained American Medical of San Diego to provide 2 EMTs / nurses to be on-site for the duration of the event. We also have an ambulance service on call should an emergency arise.

Security Plan

Estimating a total of 1,200 guests at this point, dependent on ticket sales we will have 30 security agents. All other agents will roam throughout the event to create a safe environment for attendees and park patrons.

Private Security

Inter City Security Services will provide private event security for the event as follows:

Day of Event:

- Vendor loading: 2 Agents (Day of event & Before arrival of guests) 8am - 11am

- Parking / Traffic Control: 6 Agents (2 posted at roundabout, one at Harbor Lot, one at Union lot, 2 at Best Western Lots) 8am-9pm
- Main Entrance: 12 Agents (8 for searching and checking ID's and 4 for monitoring line or help processing, to be deployed inside event after guests enter)
- Exit Gate: 2 Agents
- Interior of Event: 4 Agents Roaming/Relief
- Fence: 1 Agent Roaming

Waste Removal Plan

EDCO will donate 1 large bin, with liner on bottom, and all trash boxes and liners (both regular and recycling). I am requesting 25 recycling, and 25 regular, plus a complete roll of liners.

We have also retained Gorilla Waste Management to clean during the event. The day of the event we will have 4 attendants to pick up trash. They will return the day after the event to ensure all material and waste is removed.

Pollution Prevention Plan

Gorilla Waste Management staff will monitor the space to ensure that no waste ends up in the bay. The dumpster will be lined. No paper will be distributed at the event. The food vendors will all be as far away from the bay as possible to make sure no waste ends up in the bay.

Food Vendors

Company Name	Contact Name	Meeting Address	City	State	Zip Code	Phone	Day or Cell Number	Email	Ref. Request Number	Booth Dimensions
Reina Pepiada Venezuelan Food	Yeraldin Mora Ramirez	276 1/2 Ash Ave	Chula Vista	CA	91910	619-872-1786	619-872-1787	pepiadavz1food@gmail.com	DEH2018-FTEV-013109	10' x 20'

Organization	Contact Name	Phone Number	Address	City	State	Zip	Business Hours	Website	Event	Amount	Invoice #	Invoice Date	Invoice Due
Sobeco-City of Chula Vista	Victor							vsanchez@chulavistacac.com	N/A				Corp 20X20'
UHAUL	Don	Sanchez		National City	CA	91950			N/A				Corp 10X10'
Seven Mile Casino	Padro	Araya		Chula Vista	CA				Glass Sponsor				Corp 10X10'
Entertainment San Diego									Media Sponsor				10X20'
Chula Vista Golf Course	Roboca	Del Toro	4475 Bonita Rd	Bonita	CA	91902	619-479-4131/619-207-2884	rdelbora@chulavistagolf.com	\$	250.00	Invoice 02/28/18		10X10'

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DEPARTMENT
APPLICATION FOR A TEMPORARY USE PERMIT
RECOMMENDATIONS AND CONDITIONS**

SPONSORING ORGANIZATION: **National City Chamber of Commerce**
EVENT: **2nd Annual Bayside Brew and Spirits Festival**
DATE OF EVENT: **September 29, 2018**

APPROVALS:

DEVELOPMENT SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS []
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]
COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS []
NEIGHBORHOOD SERVICES	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

DEVELOPMENT SERVICES (619) 336-4318

Building

No comments

Planning

- Speakers and/or lights shall be directed away from neighboring residential properties.
- All activities shall comply with the noise limits set forth in Table III of NCMC Title 12 (Noise)
- All applicable permits related to the sale and/or serving of alcohol shall be procured from the Dept. of Alcoholic Beverage Control (ABC)

Engineering

PENDING

POLICE DEPARTMENT

PENDING

CITY ATTORNEY

Approved on condition that Risk Manager approves.

NEIGHBORHOOD SERVICES

Neighborhood Notifications – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

RISK MANAGER (619) 336-4370

Risk Management has reviewed the above captioned request for the issuance of a Temporary Use Permit. In order to satisfy the City’s insurance requirements it will be necessary for the Applicant, the Security and Crowd Control Provider (Inter City Safety) and the Event Medical Provider (American Medical Response) to provide the following:

- A valid copy of the Certificate of Liability Insurance from the applicant, Inter City Safety and American Medical Response.
- The insurance policy has a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.
- The applicant, Inter City Safety and American Medical Response must each provide a separate additional insured endorsement wherein it notes as the additional insured as “The City of National City, its officials, agents, employees and volunteers”
- The insurance company issuing the insurance policy has an A.M. Best’s Guide Rating of A: VII and that the insurance company is a California admitted company.
- The Certificate Holder must reflect:
City of National City
c/o Risk Manager
1243 National City Boulevard
National City, CA. 91950-4397

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.

PUBLIC WORKS (619)366-4580

No involvement

FINANCE

PENDING

COMMUNITY SERVICES

No involvement

FIRE (619) 336-4550

PENDING

The following page(s) contain the backup material for Agenda Item: Investment transactions for the month ended May 31, 2018. (Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Investment transactions for the month ended May 31, 2018.

PREPARED BY: *Ron Gutlay*

PHONE: 619-336-4346

DEPARTMENT: Finance

APPROVED BY: _____

EXPLANATION:

In accordance with California Government Code Section 53646 and City of National City's investment policy section XIIA, a monthly report shall be submitted to the legislative body accounting for transactions made during the reporting period.

The attached listing reflects investment transactions of the City of National City's investment portfolio for the month ending May 31, 2018.

FINANCIAL STATEMENT:

ACCOUNT NO.
NA

APPROVED: _____ **FINANCE**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** ☐ **FINAL ADOPTION** ☐

STAFF RECOMMENDATION:

Accept and file the Investment Transaction Ledger for the month ended May 31, 2018.

BOARD / COMMISSION RECOMMENDATION:

NA

ATTACHMENTS:

Investment Transaction Ledger



Transaction Ledger

4/30/18 Thru 5/31/18

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Purchase	05/01/2018	60934N807	3,128.13	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	3,128.13	0.00	3,128.13	0.00
Purchase	05/02/2018	60934N807	256.77	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	256.77	0.00	256.77	0.00
Purchase	05/03/2018	60934N807	3,545.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	3,545.00	0.00	3,545.00	0.00
Purchase	05/06/2018	60934N807	4,200.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	4,200.00	0.00	4,200.00	0.00
Purchase	05/11/2018	369550BE7	215,000.00	General Dynamics Corp Note 3% Due 5/11/2021	99.305	3.24 %	213,505.75	0.00	213,505.75	0.00
Purchase	05/11/2018	60934N807	2,317.50	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	2,317.50	0.00	2,317.50	0.00
Purchase	05/11/2018	60934N807	450,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	450,000.00	0.00	450,000.00	0.00
Purchase	05/15/2018	60934N807	3,250.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	3,250.00	0.00	3,250.00	0.00
Purchase	05/15/2018	60934N807	21,459.70	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	21,459.70	0.00	21,459.70	0.00
Purchase	05/15/2018	60934N807	41,882.14	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	41,882.14	0.00	41,882.14	0.00
Purchase	05/15/2018	60934N807	35,118.64	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	35,118.64	0.00	35,118.64	0.00
Purchase	05/15/2018	60934N807	463.75	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	463.75	0.00	463.75	0.00
Purchase	05/18/2018	369550BE7	185,000.00	General Dynamics Corp Note 3% Due 5/11/2021	99.303	3.25 %	183,710.55	107.92	183,818.47	0.00
Purchase	05/18/2018	60934N807	5,822.89	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	5,822.89	0.00	5,822.89	0.00
Purchase	05/18/2018	60934N807	220,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	220,000.00	0.00	220,000.00	0.00
Purchase	05/18/2018	60934N807	13,548.89	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	13,548.89	0.00	13,548.89	0.00
Purchase	05/19/2018	60934N807	3,900.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	3,900.00	0.00	3,900.00	0.00
Purchase	05/21/2018	60934N807	1,968.75	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	1,968.75	0.00	1,968.75	0.00
Purchase	05/21/2018	60934N807	450,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	450,000.00	0.00	450,000.00	0.00
Purchase	05/23/2018	60934N807	5,687.50	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	5,687.50	0.00	5,687.50	0.00
Purchase	05/24/2018	89113XX33	250,000.00	Toronto Dominion NY Yankee CD 2.68% Due 5/24/2019	100.000	2.68 %	250,000.00	0.00	250,000.00	0.00
Purchase	05/25/2018	161571HF4	550,000.00	Chase CHAIT Pool 2016-A5 1.27% Due 7/15/2021	98.434	2.28 %	541,384.77	194.03	541,578.80	0.00
Purchase	05/27/2018	60934N807	3,575.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	3,575.00	0.00	3,575.00	0.00
Purchase	05/29/2018	60934N807	5,296.88	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	5,296.88	0.00	5,296.88	0.00
Purchase	05/30/2018	43814UAG4	175,000.00	Honda Auto Receivables 2018-2 A3 3.01% Due 5/18/2022	99.998	3.03 %	174,996.19	0.00	174,996.19	0.00
Purchase	05/31/2018	60934N807	12,506.25	Federated Investors Govt Oblig Fund Inst.	1.000	1.38 %	12,506.25	0.00	12,506.25	0.00
Subtotal			2,662,927.79				2,651,525.05	301.95	2,651,827.00	0.00



Transaction Ledger

4/30/18 Thru 5/31/18

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Security Contribution	05/31/2018	90SDCP\$00	14,000.00	County of San Diego Pooled Investment Pool	1.000		14,000.00	0.00	14,000.00	0.00
	Subtotal		14,000.00				14,000.00	0.00	14,000.00	0.00
Short Sale	05/11/2018	60934N807	-213,505.75	Federated Investors Govt Oblig Fund Inst.	1.000		-213,505.75	0.00	-213,505.75	0.00
	Subtotal		-213,505.75				-213,505.75	0.00	-213,505.75	0.00
TOTAL ACQUISITIONS			2,463,422.04				2,452,019.30	301.95	2,452,321.25	0.00
DISPOSITIONS										
Closing Purchase	05/11/2018	60934N807	-213,505.75	Federated Investors Govt Oblig Fund Inst.	1.000		-213,505.75	0.00	-213,505.75	0.00
	Subtotal		-213,505.75				-213,505.75	0.00	-213,505.75	0.00
Sale	05/11/2018	60934N807	213,505.75	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	213,505.75	0.00	213,505.75	0.00
Sale	05/18/2018	60934N807	183,818.47	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	183,818.47	0.00	183,818.47	0.00
Sale	05/24/2018	60934N807	250,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	250,000.00	0.00	250,000.00	0.00
Sale	05/25/2018	60934N807	541,578.80	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	541,578.80	0.00	541,578.80	0.00
Sale	05/30/2018	60934N807	174,996.19	Federated Investors Govt Oblig Fund Inst.	1.000	1.32 %	174,996.19	0.00	174,996.19	0.00
	Subtotal		1,363,899.21				1,363,899.21	0.00	1,363,899.21	0.00
Paydown	05/15/2018	47788BAB0	21,275.06	John Deere Owner Trust 2017-B A2A 1.59% Due 4/15/2020	100.000		21,275.06	184.64	21,459.70	1.85
Paydown	05/15/2018	65478GAB6	41,256.30	Nissan Auto Receivables Owner 2017-B A2A 1.56% Due 5/15/2020	100.000		41,256.30	625.84	41,882.14	1.62
Paydown	05/15/2018	89237RAB4	34,501.30	Toyota Auto Receivable 2017-C A2A 1.58% Due 7/15/2020	100.000		34,501.30	617.34	35,118.64	0.33
Paydown	05/15/2018	89238BAB8	0.00	Toyota Auto Receivables Owner 2018-A A2A 2.1% Due 10/15/2020	100.000		0.00	463.75	463.75	0.00
Paydown	05/18/2018	43814PAB6	13,361.94	Honda Auto Receivables Owner T 17-3 A2 1.57% Due 1/21/2020	100.000		13,361.94	186.95	13,548.89	1.19
	Subtotal		110,394.60				110,394.60	2,078.52	112,473.12	4.99



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
DISPOSITIONS										
Maturity	05/11/2018	3133EEJ50	450,000.00	FFCB Note 1.03% Due 5/11/2018	100.000		450,000.00	0.00	450,000.00	855.00
Maturity	05/18/2018	747525AG8	220,000.00	Qualcomm Inc Note 1.4% Due 5/18/2018	100.000		220,000.00	0.00	220,000.00	794.20
Maturity	05/21/2018	3135G0WJ8	450,000.00	FNMA Note 0.875% Due 5/21/2018	100.000		450,000.00	0.00	450,000.00	2,527.20
Subtotal			1,120,000.00				1,120,000.00	0.00	1,120,000.00	4,176.40
Security Withdrawal	05/03/2018	60934N807	2,148.32	Federated Investors Govt Oblig Fund Inst.	1.000		2,148.32	0.00	2,148.32	0.00
Security Withdrawal	05/17/2018	90LAIF\$00	500,000.00	Local Agency Investment Fund State Pool	1.000		500,000.00	0.00	500,000.00	0.00
Security Withdrawal	05/21/2018	90LAIF\$00	400,000.00	Local Agency Investment Fund State Pool	1.000		400,000.00	0.00	400,000.00	0.00
Subtotal			902,148.32				902,148.32	0.00	902,148.32	0.00
TOTAL DISPOSITIONS			3,282,936.38				3,282,936.38	2,078.52	3,285,014.90	4,181.39
OTHER TRANSACTIONS										
Interest	05/01/2018	3137EADR7	455,000.00	FHLMC Note 1.375% Due 5/1/2020	0.000		3,128.13	0.00	3,128.13	0.00
Interest	05/03/2018	594918BF0	130,000.00	Microsoft Note 1.3% Due 11/3/2018	0.000		845.00	0.00	845.00	0.00
Interest	05/03/2018	594918BG8	270,000.00	Microsoft Callable Note Cont. 10/03/20 2% Due 11/3/2020	0.000		2,700.00	0.00	2,700.00	0.00
Interest	05/06/2018	037833AQ3	400,000.00	Apple Inc Note 2.1% Due 5/6/2019	0.000		4,200.00	0.00	4,200.00	0.00
Interest	05/11/2018	3133EEJ50	450,000.00	FFCB Note 1.03% Due 5/11/2018	0.000		2,317.50	0.00	2,317.50	0.00
Interest	05/15/2018	459200HM6	400,000.00	IBM Corp Note 1.625% Due 5/15/2020	0.000		3,250.00	0.00	3,250.00	0.00
Interest	05/17/2018	3137EAEK1	600,000.00	FHLMC Note 1.875% Due 11/17/2020	0.000		5,687.50	0.00	5,687.50	0.00
Interest	05/18/2018	22160KAJ4	400,000.00	Costco Wholesale Corp Note 2.15% Due 5/18/2021	0.000		4,300.00	0.00	4,300.00	0.00
Interest	05/18/2018	747525AG8	220,000.00	Qualcomm Inc Note 1.4% Due 5/18/2018	0.000		1,522.89	0.00	1,522.89	0.00
Interest	05/19/2018	857477AV5	400,000.00	State Street Bank Note 1.95% Due 5/19/2021	0.000		3,900.00	0.00	3,900.00	0.00



Transaction Ledger

4/30/18 Thru 5/31/18

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
OTHER TRANSACTIONS										
Interest	05/21/2018	3135G0WJ8	450,000.00	FNMA Note 0.875% Due 5/21/2018	0.000		1,968.75	0.00	1,968.75	0.00
Interest	05/27/2018	3135G0YT4	440,000.00	FNMA Note 1.625% Due 11/27/2018	0.000		3,575.00	0.00	3,575.00	0.00
Interest	05/29/2018	3130AABG2	565,000.00	FHLB Note 1.875% Due 11/29/2021	0.000		5,296.88	0.00	5,296.88	0.00
Interest	05/31/2018	912828G53	600,000.00	US Treasury Note 1.875% Due 11/30/2021	0.000		5,625.00	0.00	5,625.00	0.00
Interest	05/31/2018	912828M98	570,000.00	US Treasury Note 1.625% Due 11/30/2020	0.000		4,631.25	0.00	4,631.25	0.00
Interest	05/31/2018	912828UB4	450,000.00	US Treasury Note 1% Due 11/30/2019	0.000		2,250.00	0.00	2,250.00	0.00
	Subtotal		6,800,000.00				55,197.90	0.00	55,197.90	0.00
Dividend	05/01/2018	90SDCP\$00	8,148,000.00	County of San Diego Pooled Investment Pool	0.000		11,676.08	0.00	11,676.08	0.00
Dividend	05/02/2018	60934N807	157,877.13	Federated Investors Govt Oblig Fund Inst.	0.000		256.77	0.00	256.77	0.00
	Subtotal		8,305,877.13				11,932.85	0.00	11,932.85	0.00
TOTAL OTHER TRANSACTIONS			15,105,877.13				67,130.75	0.00	67,130.75	0.00

The following page(s) contain the backup material for Agenda Item: Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Amending Title 18 of the National City Municipal Code by Amending Sections 18.24.050 (Mixed-Use Corridor and District zones), 18.25.020 (Industrial zones), and 18

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO. _____

ITEM TITLE:

[Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Amending Title 18 of the National City Municipal Code by Amending Sections 18.24.050 (Mixed-Use Corridor and District zones), 18.25.020 (Industrial zones), and 18.50.010 (Glossary) (Applicant City-Initiated Land Use Amendment) (Case File 2018-09 A)]

PREPARED BY: [Martin Reeder, AICP]

MR

DEPARTMENT: [Planning]

PHONE: [619-336-4313]

APPROVED BY: _____

[Signature]

EXPLANATION:

The City Council approved an amendment in late 2017 that allowed craft beer tasting rooms without a Conditional Use Permit (CUP) in the Industrial and Mixed-Use zones. The amendment also removed the distance requirements from schools for tasting rooms. While wine tasting rooms were brought up in discussion during the public hearing process, they were not included in the original application request and thus were not acted upon at that time.

Earlier this year the City Council directed staff to prepare a report to consider allowing wine tasting rooms in the City similar to the craft beer tasting rooms. In addition there has been interest from a number of parties in opening a wine tasting room in the City.

The changes were prepared and considered by the Planning Commission on June 18, 2018. The attached Background Report describes the changes in detail.

FINANCIAL STATEMENT:

ACCOUNT NO. _____

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Not a project per CEQA

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☒

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and recommends that the amendments to Title 18 be adopted.

BOARD / COMMISSION RECOMMENDATION:

[The Planning Commission recommended approval of the Land Use Code amendment.

Ayes: Baca, Flores, Garcia, Sendt, Quintero, Yamane

Absent: DelaPaz

ATTACHMENTS:

- | | |
|--------------------------|---|
| 1. Background Report | 4. Planning Commission Resolution 2018-11 (a) |
| 2. Findings | 5. Public Hearing Notice |
| 3. Proposed Code changes | 6. Ordinance |

BACKGROUND REPORT

Staff Recommendation

Staff supports the proposed amendments included in this staff report and recommends that the Planning Commission recommend approval of the amendments to the City Council.

History

The City Council approved an amendment in late 2017 that allowed craft beer tasting rooms without a Conditional Use Permit (CUP) in the Industrial and Mixed-Use zones. The amendment also removed the distance requirements from schools for tasting rooms. While wine tasting rooms were brought up in discussion during the public hearing process, they were not included in the original application request and thus were not acted upon at that time.

Earlier this year the City Council directed staff to prepare a report to consider allowing wine tasting rooms in the City similar to the craft beer tasting rooms. In addition there has been interest from a number of parties in opening a wine tasting room in the City.

Proposed Changes

In order to allow wine tasting rooms without a CUP, several changes would be required, including to Section 18.24 (Mixed-Use zones), Section 18.25 (Industrial zones), and the Glossary. As with the previous amendment, these changes will have no effect in the Coastal Zone until the Local Coastal Plan is amended.

Allowable land uses

Staff is suggesting the following changes (**noted in bold**):

TABLE 18.24.050
Allowed Land Uses
Mixed-Use Zones

Land Use	Zone				Specific Use Regulations
	MXC-1	MXC-2	MXD-1	MXD-2	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707

ATTACHMENT 1

P Permitted C Conditional Use Permit

TABLE 18.25.050
Allowed Land Uses
Industrial Zones

Land Use	Zone			Specific Use Regulations
	IL	IM	IH	
Winery	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit				

Staff suggests adding wineries as a conditionally-permitted use in the Industrial zones. This would be consistent with how breweries are currently permitted. While there are both small and large breweries defined by the California Department of Alcoholic Beverage Control (ABC), there is only one definition of winery (a Type 2 Winegrower license), which is as follows:

WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct wine tastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.

Staff is supportive of allowing wine tasting rooms by right in mixed-use and industrial zones, which like craft beer tasting rooms tend to be less intense than traditional bars and are more prevalent in neighborhoods such as North Park in San Diego and other neighborhoods similar in density to National City. It should be noted that while a standalone wine tasting room would be allowed by right subject to the City's alcohol risk assessment process (as with craft beer tasting rooms), wine tastings would be permitted in wineries without special City approval.

Glossary

A. Staff suggests the addition of two glossary definitions (**noted in bold**) as follows:

1. Winery. "Winery" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 license to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC license regulations).
2. Winery tasting room. "Winery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 duplicate license to sell wine products that the licensee produces for on-site and off-site consumption; including sales of sealed wine bottles for off-site consumption. Only wine produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 2 license regulations).

As with craft beer tasting rooms, wine tasting rooms are generally family-friendly and less intensive than other on-site consumption businesses such as bars or restaurants. In addition, impacts are less due to the type of clientele, the higher cost of wine products, and the limited hours of operation. Furthermore, ABC licenses for tasting rooms allow minors to be present. It is also important to note, that while off-site tasting rooms are permitted under a winegrower (winery) license, a violation at the tasting room is considered a violation on the master license. In the case of an ABC violation all tasting rooms would lose their ability to operate. Therefore, businesses tend to self-regulate more effectively than stand-alone on-site consumption businesses.

While the public notice and staff report title mention changes to Title 18.30.050 (Sale of alcoholic beverages and live entertainment), this was a vestige of the previous report and no changes are necessary at this time.

Analysis

This amendment is intended to define and impose permitting limitations on wine tasting rooms in order to be consistent with the previous craft beer tasting room amendment.

Staff supports all of the proposed changes, which are consistent with the previous Code sections. While there would be minor changes in where wine tasting rooms and wineries could be located, the changes would not be out of character with the General Plan land use designations.

Findings

There are two findings for approval, one related to General Plan consistency and one related to compliance with CEQA.

General Plan conformance

The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.

CEQA compliance

This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code (ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

There is also one finding for denial as follows:

1. That the requested amendments are inconsistent with existing alcohol permitting and policy, and would contribute to increased impacts related to overconsumption of alcohol.

The reason for the denial finding is that additional opportunities for on-sale alcohol consumption could possibly lead to additional alcohol-related impacts, such as calls for service from the Police Department, over-consumption of alcohol, and other peripheral impacts. However, impacts from wine establishments such as tasting rooms are typically less than standard on-sale businesses. Reasons include the higher price of products, smaller serving sizes, and limited hours. In addition, the amendment would be consistent with the allowance of beer tasting rooms, as adopted in December 2017.

Planning Commission

The Planning Commission held a public hearing on the proposed amendments at their meeting of June 18, 2018 and recommended approval to the City Council of the amendments, as suggested by staff in the staff report.

Summary

The proposed amendments will allow flexibility in the locating, permitting, and operation of wineries and/or tasting rooms. The added glossary definitions and Council policy

changes will also make the City more welcoming to the expanding craft alcohol industry, of which the City Council and Planning Commission have shown support.

Options

1. Approve the amendments to the Land Use Code (LUC), as suggested by staff, based on the attached findings or findings to be determined by the City Council; or
2. Deny the amendments to the LUC based on the attached finding or findings to be determined by the City Council; or,
3. Continue the item to a specific date.

RECOMMENDED FINDINGS FOR APPROVAL

1. The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.
2. This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code (ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

RECOMMENDED FINDINGS FOR DENIAL

1. That the requested amendments are inconsistent with existing alcohol permitting and policy, and would contribute to increased impacts related to overconsumption of alcohol.

Proposed Code changes

Proposed language

TABLE 18.24.050
Allowed Land Uses
Mixed-Use Zones

Land Use	Zone				Specific Use Regulations
	MXC-1	MXC-2	MXD-1	MXD-2	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit					

TABLE 18.25.050
Allowed Land Uses
Industrial Zones

Land Use	Zone			Specific Use Regulations
	IL	IM	IH	
<u>Winery</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit				

18.50 – Glossary

Winery. “Winery” means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 license to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC license regulations).

Winery tasting room. "Winery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 duplicate license to sell wine products that the licensee produces for on-site and off-site consumption; including sales of sealed wine bottles for off-site consumption. Only wine produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 2 license regulations).

RESOLUTION NO. 2018-11 (a)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
MUNICIPAL CODE AMENDMENT AMENDING SECTIONS 18.24
(MIXED-USE CORRIDOR AND DISTRICT ZONES), 18.25 (INDUSTRIAL ZONES),
18.30.050 (SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT),
AND 18.50 (GLOSSARY) OF THE NATIONAL CITY MUNICIPAL CODE.
APPLICANT: CITY-INITIATED.
CASE FILE NO. 2018-09 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, per Chapter 18.12.140 (B); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at duly advertised public hearing held on June 18, 2018, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report provided for Case File No. 2018-09 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on June 18, 2018, support the following findings:

1. The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.
2. This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code

(ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of June 18, 2018, by the following vote:

AYES: Quintero, Baca, Sendt, Yamane, Garcia, Flores

NAYS: None.

ABSENT: Dela Paz

ABSTAIN: None.



CHAIRPERSON

CITY OF NATIONAL CITY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., Tuesday, July 17, 2018, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider: AN ORDINANCE AMENDING TITLE 18 (ZONING) SECTIONS 18.24 (MIXED-USE CORRIDOR AND DISTRICT ZONES), 18.25 (INDUSTRIAL ZONES), AND 18.50 (GLOSSARY) OF THE NATIONAL CITY MUNICIPAL CODE.

This amendment is intended to define and impose permitting limitations on wine tasting rooms.

The Planning Commission conducted a Public Hearing at their meeting of June 18, 2018 and voted 6-0 with one member absent to recommend adoption of the Code Amendment.

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

Michael Dalla, City Clerk
CV63561 7/6/2018

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for Fiscal Year 2019 from 0.79 cent per \$100 of assessed valuation to 0.74 cent. (Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for fiscal year 2019 from 0.79 cent per \$100 of assessed valuation to 0.74 cent.

PREPARED BY: Yen Kelly, Budget Analyst

DEPARTMENT: Finance

PHONE: 619-336-4332

APPROVED BY: _____

EXPLANATION:

In the special municipal election held on March 5, 2002, more than two-thirds of National City's eligible voters approved the issuance of general obligation bonds to fund the construction of the new National City Library. In April 2003, the City issued the general obligation bonds in the aggregate principal amount of \$6 million. Those bonds mature on August 1st of each of the years 2004 through 2028.

In 2012, the City refinanced the bonds to lower the interest rate on the bonds and to decrease the tax burden required for repayment. The amount of principal and interest to be paid each year is generated through the proceeds of property taxes received from the County of San Diego.

Each year, the City must establish the property tax rate that is needed to raise the revenue required to service its annual bonded indebtedness. For fiscal year 2019, the calculated property tax rate is 0.74 cent per \$100 of assessed value. This is a 6.82% reduction from the prior year rate of 0.79 cent and the 8th consecutive tax rate reduction since fiscal year 2011. The total tax rate reduction since fiscal year 2011 is approximately 48.03%.

FINANCIAL STATEMENT:

APPROVED: _____ **FINANCE**

ACCOUNT NO.
NA

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** ☐ **FINAL ADOPTION** ☐

STAFF RECOMMENDATION:

Adopt the resolution, reducing the property tax rate for the Library General Obligation Bonds for fiscal year 2019 from 0.79 cent per \$100 of assessed valuation to 0.74 cent.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

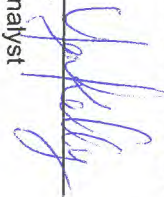
1. General Obligation Bond Tax Rate Computation for fiscal year 2019
2. Resolution

**General Obligation Bond Debt Service (Fund 259)
Tax Rate Computation for Fiscal Year 2019**

National City		Fund No.	6065-50
	Rate per \$100	FY18/19 Est. Revenue	PY Rate Change: 6.8182%
Secured Valuation	0.0073800	3,788,646,640	279,602
Unsecured Valuation	0.0079200	211,259,000	16,732
HO Exemption	28,921,000	296,334	
1 Net Secured Valuation	3,788,646,640	11 Amount to be raised	294,170
3 Less Delinquency Allowance	-	12 Unsecured HOPTR	-
4 Net after Delinquency	3,788,646,640	14 Unsecured Delinquency	16,397
5 Plus HOPTR	28,921,000	15 Less Unsecured Redevelopment Impact	-
6 Prelim Adj Secured Valuation	3,817,567,640	16 Amount to be raised by Secured Taxes	277,773
7 Less Redevelopment Impact	-		
8 Adj Sec Valuation Less Redevelopment Impact	3,817,567,640		
9 Anticipated Roll Corrections			
10 Adj Sec Val for Rate Computation	3,817,567,640	18a Tax rate times #4	275,813
16 Computed Rate (per \$100)	0.00728000	18b Tax rate times HOPTR	2,105
17 Plus .0001	0.00738000	19 Secured Proof	277,919
		20 Raised by 1/100th mil	3,818
		21,23 Taxes Raised	298,134

I CERTIFY THAT THE ABOVE COMPUTED RATE + 1/100TH MIL IS A REASONABLE TAX RATE FOR THIS FUND

Yen Kelly
Budget Analyst



7/3/2018
Date

The following page(s) contain the backup material for Agenda Item: Notice of Decision – Planning Commission approval of a Zone Variance to allow for a reduced rear-yard setback of a proposed single-family residence located at “D” Avenue. (Applicant: Jeffrey Silva) (Case File 2017-17 Z) (Planning)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Notice of Decision – Planning Commission approval of a Zone Variance to allow for a reduced rear-yard setback of a proposed single-family residence located at “D” Avenue. (Applicant: Jeffrey Silva) (Case File 2017-17 Z)

PREPARED BY: Chris Stanley

DEPARTMENT: Planning

PHONE: 336-4381

APPROVED BY: 

EXPLANATION:

The applicant has applied for a Zone Variance to reduce the rear-yard setback for a new single-family residence at “D” Avenue. The 6,000 square-foot lot is currently vacant. The construction opportunities are limited due to an existing sewer easement that bisects the lot diagonally. The applicant proposes to construct a 2,400-square foot single-family house that encroaches 10 feet into the required 25-foot rear yard setback.

The Planning Commission conducted a public hearing on July 2, 2018. Commissioners asked questions regarding parking and ownership of the property. The Commission voted to approve the Variance based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Categorical Exemption-Class 32, Section 15332 (In-Fill Development Projects)

ORDINANCE: ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Variance.

Ayes: Baca, Flores, Garcia, Sendt, Yamane, DelaPaz

Absent: Quintero

ATTACHMENTS:

- | | |
|-------------------------------------|-------------------------------|
| 1. Overhead | 3. Resolution No. 2018-12 (a) |
| 2. Planning Commission Staff Report | 4. Reduced Plans |

2017-17 Z – “D” Avenue – Overhead



ATTACHMENT 1



Item no. 4
July 2, 2018

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – ZONE VARIANCE FOR A
REDUCED REAR YARD SETBACK FOR A
PROPOSED SINGLE-FAMILY HOUSE TO BE
LOCATED AT “D” AVENUE

Case File No.: 2017-17 Z

Location: “D” Avenue

Assessor’s Parcel Nos.: 562-122-31

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: Jeffrey Silva

Zoning designation: Small Lot Residential (RS-2)

Adjacent land use / zoning:

North: Single Family Residential / RS-2

East: Institutional / I

South: Single Family Residential / RS-2

West: Single Family Residential / RS-2

Environmental review: Categorical Exemption – Class 32, Section 15332 (In-Fill Development Projects)

Staff recommendation: Approve

ATTACHMENT 2

BACKGROUND

Staff Recommendation

Staff recommends approval of a reduced rear yard setback for a proposed single-family house. The request is because of a sewer easement that restricts the buildable area of the property.

Executive Summary

The applicant is proposing to construct a single family house in the rear yard setback due to a sewer easement that prevents the use of the eastern (front) portion of the lot. In order to do so a Zone Variance must be approved.

Site characteristics

The 6,344 square-foot lot is located on the western side of "D" Avenue in the Small Lot Residential (RS-2) zone. The property is a roughly 50 foot wide by 125 foot deep vacant lot. A sewer easement splits the property in half diagonally from the northeast corner to the southwest corner.

Proposed use

The applicant is proposing to build a 1,190 square-foot two story house and a 500 square-foot two-car garage. The house would have a 15-foot rear yard setback, where 25 feet is normally required in the RS-2 zone. The house would consist of five bedrooms, five baths, a laundry room, a living room, a family room, a dining room, and a kitchen. Construction of the residence and garage would otherwise be permitted by right if not for the variance request.

Analysis

The Land Use Code (LUC) prohibits the building of a house in the rear yard setback. Although the required rear yard setback in the RS-2 zone is 25 feet, the proposed house would only have a rear yard setback of 15 feet because of the sewer easement, which limits the area that can be used on the property. The sewer easement is for an existing pipe residing under the lot. The pipe travels across the lot diagonally from the northeast corner to the southwest corner of the property.

Houses in the RS-2 zone require two parking spaces, one covered and one uncovered, which the project meets with the proposed two car garage, but any additional bedrooms over four require an additional parking space. The applicant's options are to provide an additional space for the fifth bedroom, or change the room type to something other than a bedroom. The definition of a

bedroom in the municipal code is a private room intended for or capable of being used for sleeping, separated from other rooms by a door, having a window and closet/storage nook, and accessible to a bathroom without crossing another bedroom. If the applicant chooses to provide the additional parking space, it must be outside of the 20-foot front yard setback and both the parking space and the path of travel to the parking space must be paved.

Findings for Approval

Three specific findings must be made in order to approve a Zone Variance request. The first is that the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the LUC as others in the area have. In this case the property has an existing sewer easement running through the site diagonally restricting the normal buildable area afforded standard-sized lots. In order to build the house as proposed, the building would encroach into the required property rear yard setback.

The second finding is that granting of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In this case, there are other properties in the same neighborhood in the same zone that are affected by the sewer easement.

The third finding is that the Variance does not authorize a use that is not otherwise allowed in the zone. In this case, the proposal is for a single-family home, which is a permitted use in the RS-2 zone.

Findings for Denial

A finding for denial is that the lot is not affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the lot exceeds the minimum lot size, is standard in shape, and is flat with no significant change in topography. There is still the possibility of building the house within the prescribed setbacks, although the size would be limited.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for Zone Variance applications. Seventy people were notified by mail of this public hearing, which is consistent with this requirement.

Conditions of Approval

No comments were received from the City's Engineering Department. Standard conditions were included for both the Building Department and Fire Department regarding building the project to their respective codes. In addition, the Fire Department will require fire sprinklers for the project. The comments are included as Conditions of Approval.

Summary

Because of special circumstances applicable to the property, including the physical hardship of a sewer easement, in order for the house to be the proposed size, it would encroach into the required rear yard setback. The proposal is consistent with all required findings of approval and would be consistent with all other regulations.

OPTIONS

1. Approve 2017-17 Z subject to the conditions attached, based on attached findings and/or findings to be determined by the Planning Commission; or
2. Deny 2017-17 Z based on findings to be determined by the Planning Commission; or,
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings of Approval
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, case file no. 2017-17 Z, dated 8/1/2017)
5. Public Hearing Notice (Sent to 70 property owners and occupants)
6. CEQA Notice of Exemption
7. Resolutions



CHRIS STANLEY
Acting Assistant Planner



MARTIN REEDER, AICP
Acting Planning Director

RESOLUTION NO. 2018-12 (a)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A ZONE VARIANCE FOR A REDUCED
REAR YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOUSE TO BE
LOCATED AT "D" AVENUE
CASE FILE NO. 2017-17 Z
APN: 562-122-31**

WHEREAS, the Planning Commission of the City of National City considered a Zone Variance for a reduced rear yard setback for a proposed single-family house to be located at D Avenue at a duly advertised public hearing held on July 2, 2018, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2017-17 Z maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on July 2, 2018, support the following findings:

1. That the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the property has an existing sewer easement running through the site diagonally restricting the normal buildable area afforded standard-sized lots. In order to build the house as proposed, the building would encroach into the required property rear yard setback.
2. That granting of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, because there are multiple properties in the same block in the same zone that are affected by the sewer easement.
3. That the Variance does not authorize a use that is not otherwise allowed in the zone, the proposal is for a single-family home, which is a permitted use in the RS-2 zone.

4. That the proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 32 Section 15332. This section allows for in-fill development that is consistent with the general plan and zoning designation; occurs within city limits; is no more than five acres and substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The development in question is consistent with this exemption.

BE IT FURTHER RESOLVED that the application for a Zone Variance is approved subject to the following conditions:

General

1. This *Zone Variance* authorizes a house to be located in the rear yard setback of the property located at D Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2017-17 Z, dated 8/1/2017).
2. Before this *Zone Variance* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Zone Variance*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Zone Variance* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

4. Plans submitted for demolition or improvements must comply with the 2016 edition of the California Building, Electrical, Fire, Plumbing, and Mechanical Codes.

Fire

5. Project to be in compliance with the current editions of the California Fire Code, National Fire Protection Association, California Code of Regulations and local City of National City Municipal Codes.
6. Fire sprinklers shall be installed for the intended use per Chapter 9 section 903.2.5 - 903.2.5.2 (table) of the California Fire Code.

Planning

7. The proposed five bedrooms will require that the property provide a third space in addition to the two already provided. The additional space does not have to be covered, but shall not be in the front yard setback. In addition both the path leading to the space and the space itself must be paved.
8. Landscaping, including trees and groundcover, shall be provided and maintained for the life of the building and shall be irrigated per City standards.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of July 2, 2018, by the following vote:

AYES: Baca, Sendt, Yamane, Garcia, Flores, Dela Paz

NAYS: None.

ABSENT: Quintero

ABSTAIN: None.


CHAIRPERSON



SHEET INDEX

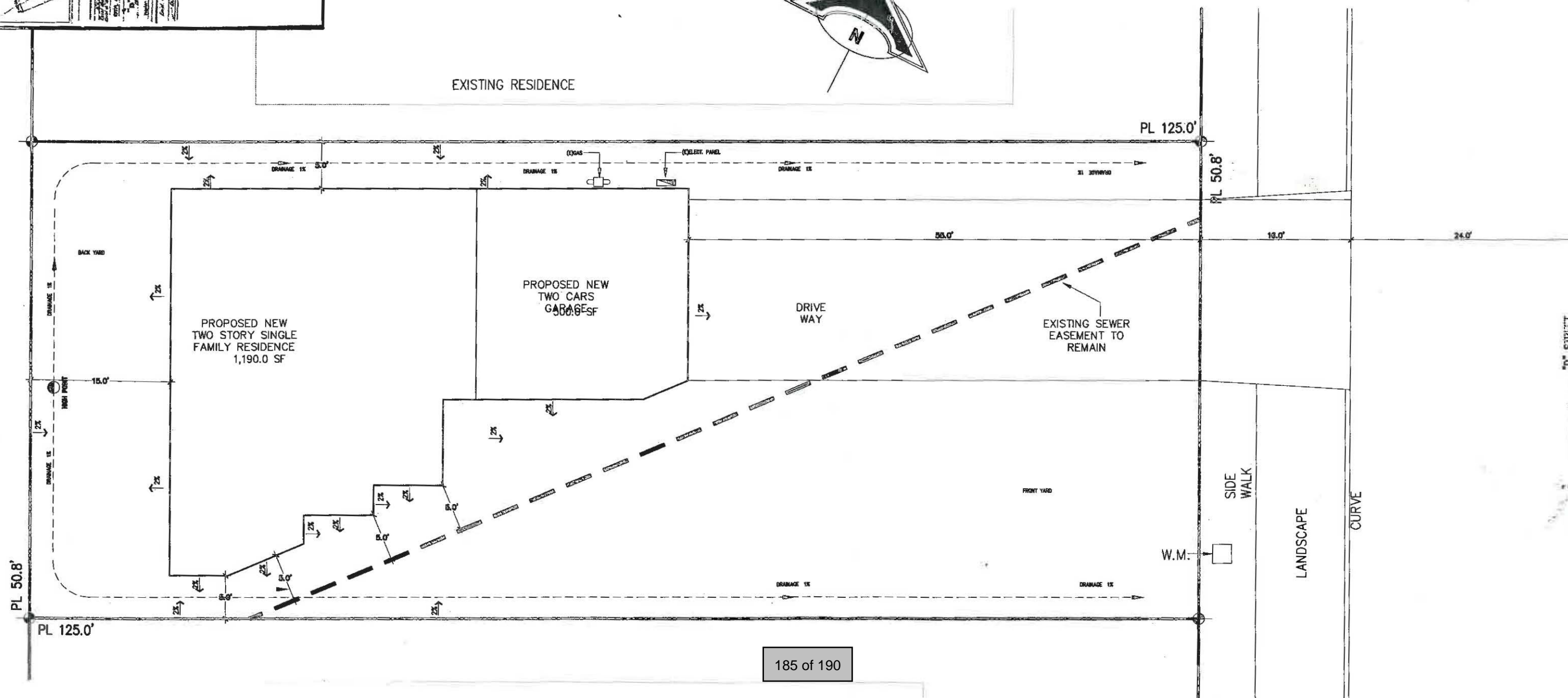
SHEET	SHEET NAME
A-1	" SITE PLAN.

ZONING:	A-1
NEW HOUSE	1,190.0 SF
NEW TWO CAR GARAGE	500.0 SF
TOTAL AREA :	TOTAL 1,690.0 SF
PROPOSED LOT COVERAGE	27%
LOT SIZE:	6,344.3 SF

BUILDING CODE:		
2016	CALIFORNIA	RESIDENTIAL CODE (CRC)
2016	CALIFORNIA	ELECTRICAL CODE (CEC)
2016	CALIFORNIA	MECHANICAL CODE (CMC)
2016	CALIFORNIA	PLUMBING CODE (CPC)
2016	CALIFORNIA	ENERGY CODE (TITLE 24)
2016	CALIF.	GREEN BUILDING (CALGREEN)

NEW RESIDENCE
JEFFERET E. SILVA
D AVE, (VACANT LOT)
APN #562-122-31-00
NATIONAL CITY, CA. 91950

EXHIBIT A
CASE FILE NO. 2017-172
DATE: 8/1/2017



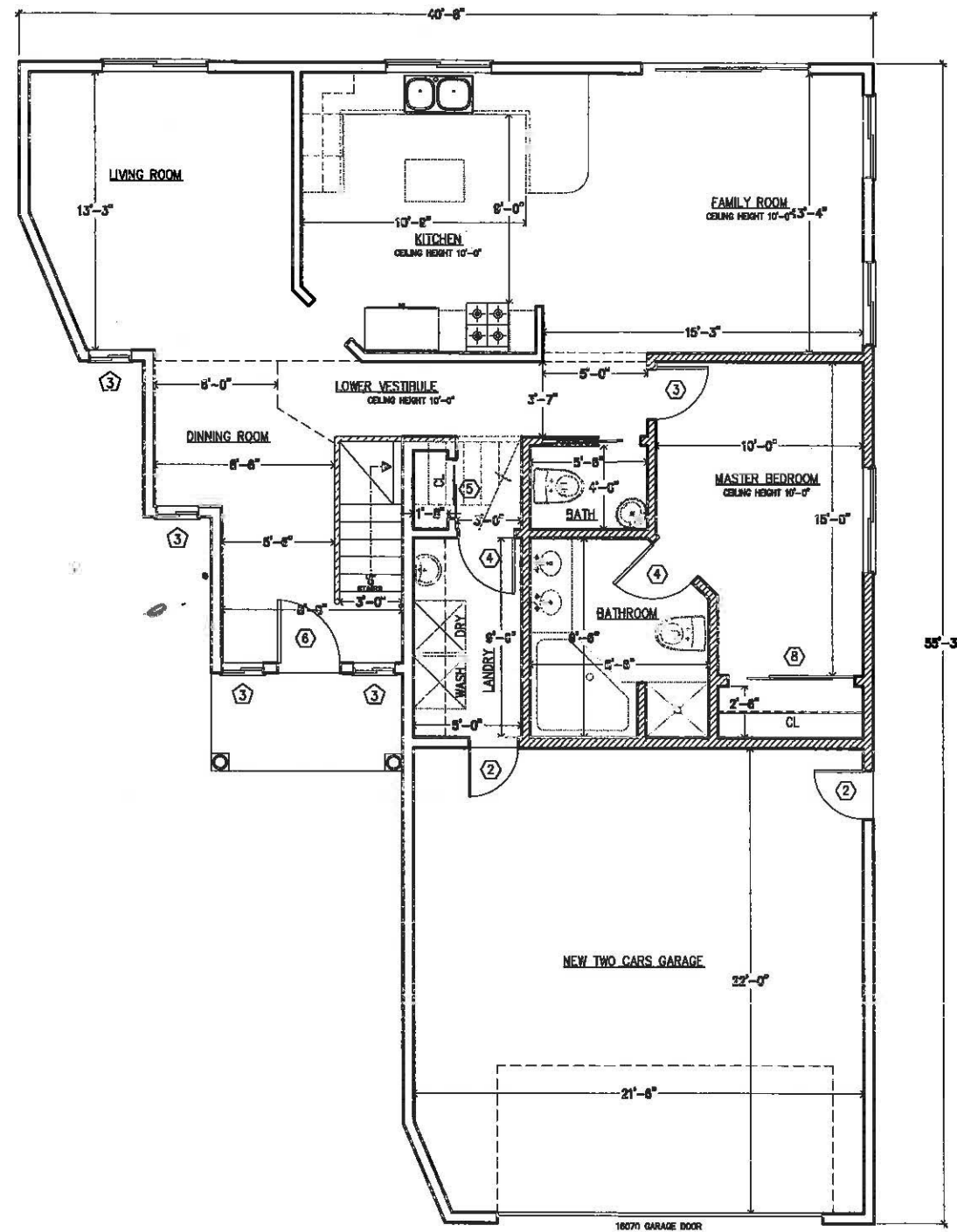
(N) CLASS "A" OWENS CORNING COMPOSITION SHINGLE ICBO ES ER-5443 W/5
NAILS PER SHINGLE ON HIGH WIND AREA & 3 NAILS PER SHINGLE ON NON
WINDY AREAS UNDERLAYMENT SHALL BE ONE LAYER NON PERFORATED TYPE
30 FELT LAPPED 2 IN. HORIZONTALLY AND 4 IN. VERTICALLY TO SHED WATER.

(N) EXTERIOR $\frac{7}{8}$ " STUCCO
PLASTER (3-COATS) OVER
BACKED PAPER



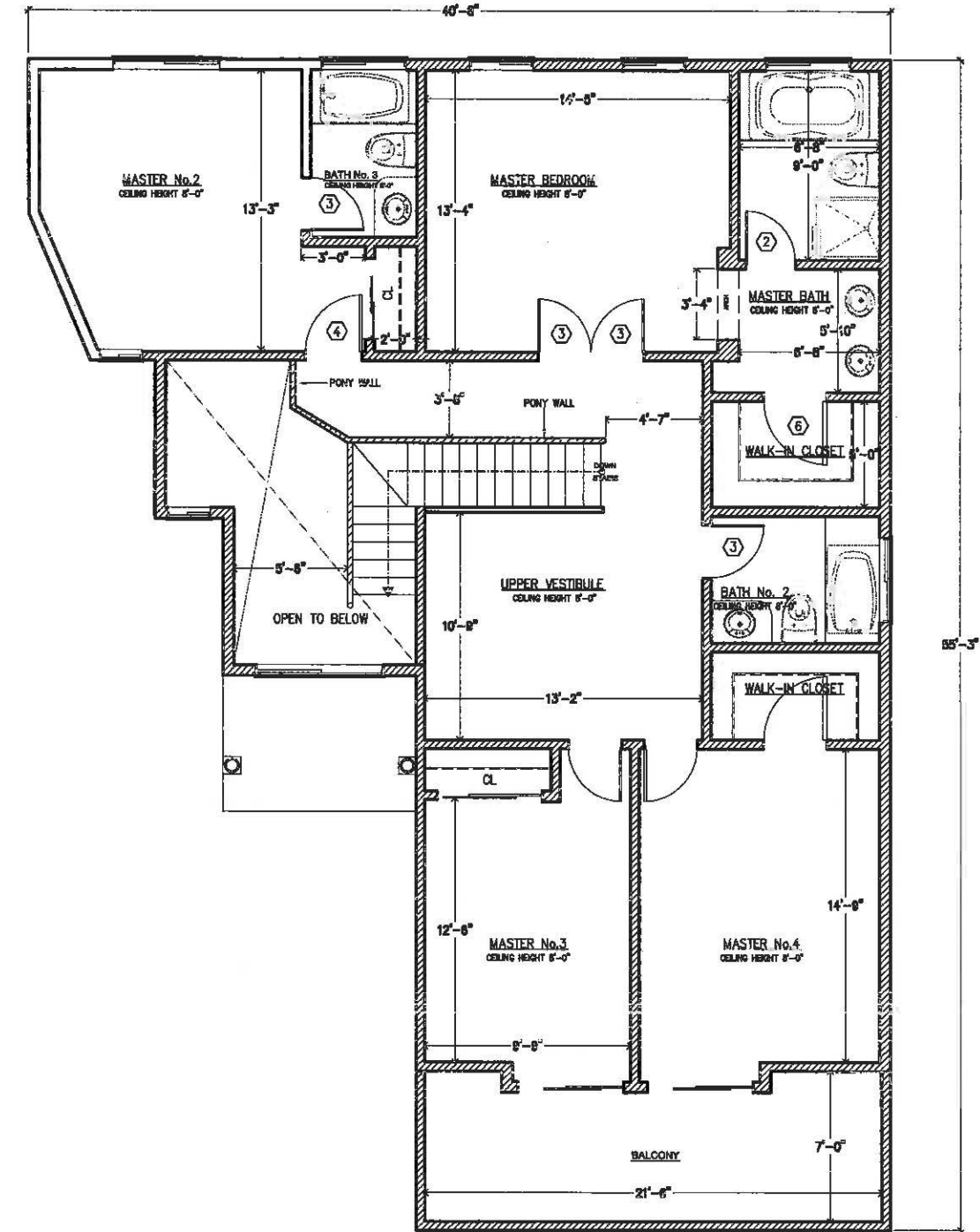
FRONT ELEVATION

SCALE: $\frac{1}{4}$ " = 1'-0"



PROP. 1ST FLOOR PLAN

NOT TO SCALE



PROP. 2ND FLOOR PLAN

NOT TO SCALE

The following page(s) contain the backup material for Agenda Item: Certificate of Sufficiency of Petition – Rent Control. (City Clerk)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: July 17, 2018

AGENDA ITEM NO. _____

ITEM TITLE:

Certificate of Sufficiency of Petition – Rent Control. (City Clerk)

PREPARED BY: Michael R. Dalla

DEPARTMENT: City Clerk

PHONE: 619-336-4226

APPROVED BY: _____

EXPLANATION:

An initiative petition titled, “**A Measure to Establish a Program of Residential Rent Control, Including Just Cause for Eviction and Rent Stabilization Provisions, and Creating a Five-Member Rent Board to Administer and Enforce the Program**” was filed in the City Clerk’s office on May 17, 2018.

The Registrar of Voters has verified that the petition contains sufficient valid signatures. As required by the Elections Code, notification of certification of a sufficient petition must be made to the City Council at their next regular meeting.

Upon such notification the City Council shall do one of the following:

- (a) Adopt the Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405b of the Election Code.
- (c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented, the City Council shall either adopt the ordinance within 10 days or order an election.

FINANCIAL STATEMENT:

APPROVED: _____

Finance

ACCOUNT NO.

APPROVED: _____

MIS

001-402-021-212-000 Elections

\$50,000 has been budgeted for our Municipal Election. Adding a measure to the ballot may result in additional costs, unknown at this time.

ENVIRONMENTAL REVIEW:

ORDINANCE: ☐

INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Direct staff to prepare the following resolutions for consideration at the Adjourned Regular Meeting of July 24th: a) Calling and Giving Notice of a Special Election, b) Ordering the Submission of a Measure, c) Requesting Consolidation with the Statewide General Election and d) Authorizing the filing of an Impartial Analysis by the City Attorney and Written Arguments.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Certificate of Sufficiency of Petition.



City of National City Office of the City Clerk

1243 National City Boulevard, National City, CA 91950-4397

Michael R. Dalla, CMC - City Clerk

(619) 336-4228 Fax: (619) 336-4229

CERTIFICATE OF SUFFICIENCY OF PETITION

I, Michael R. Dalla, City Clerk of the City of National City, County of San Diego, State of California, hereby certify:

That an initiative petition titled, **"A Measure to Establish a Program of Residential Rent Control, Including Just Cause for Eviction and Rent Stabilization Provisions, and Creating a Five-Member Rent Board to Administer and Enforce the Program"** was filed in my office on May 17, 2018.

That the Registrar of Voters of the County of San Diego conducted a verification of 100% of the 3,009 signatures submitted. A total of 2,390 signatures were verified to be valid. Results of the verification process are as follows:

- Number of sections submitted 215
- Number of signatures submitted 3,009
- Number of signatures verified (100%) 3,009
- Number of signatures found to be valid 2,390
- Number of signatures found not to be valid (includes 131 duplicates) 619
- Number of signatures required for qualification 2,248

Based on the above, the petition is certified to contain sufficient valid signatures.

IN WITNESS THEREOF, I hereunto set my hand and affixed the official seal of the City of National City this 2nd day of July, 2018.


Michael R. Dalla, City Clerk

